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14 May 2013

PLANNING COMMITTEE

Thursday 23 May 2013
4.00 pm
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair
Councillor Tuohy, Vice Chair
Councillors Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, John Smith, Stark,
Jon Taylor and Wheeler.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee
Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

3. MINUTES

(Pages 1 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 2 May 2013.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

6. PLANNING APPLICATIONS FOR CONSIDERATION

The Assistant Director of Development (Planning Services) will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990. Members of the Committee are requested to refer to published planning application guidance.

6.1. HOOE BARN, HOOE ROAD PLYMOUTH. 13/00264/FUL (Pages 9 - 32)

Applicant:	Mr and Mrs Truscott
Ward:	Plymstock Radford
Recommendation:	Grant Conditionally

6.2. HOOE BARN, HOOE ROAD, PLYMOUTH. 13/00265/LBC **(Pages 33 - 52)**

Applicant: Mr and Mrs Truscott
Ward: Plymstock Radford
Recommendation: Grant Conditionally

6.3. ERRILL RETAIL PARK, PLYMOUTH. 13/00147/FUL **(Pages 53 - 86)**

Applicant: Optimisation Developments Ltd
Ward: Plympton Erle
Recommendation: Grant Conditionally

6.4. JOHN LANE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. 13/00481/FUL **(Pages 87 - 110)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.5. ISAAC FOOT BUILDING, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. 13/00482/FUL **(Pages 111 - 130)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.6. KIRKBY TERRACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH. 13/00490/FUL **(Pages 131 - 154)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.7. PITTS, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH. 13/00492/FUL **(Pages 155 - 176)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.8. KIRKBY PLACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH. I3/00489/FUL **(Pages 177 - 194)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.9. ENDSLEIGH PLACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH. I3/00491/FUL **(Pages 195 - 214)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.10. HEPWORTH HOUSE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. I3/00483/FUL **(Pages 215 - 234)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.11. FITZROY, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. I3/00484/FUL **(Pages 235 - 252)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.12. PORTLAND SOUTH, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH. I3/00485/FUL **(Pages 253 - 272)**

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 obligation is not completed by 31 May 2013

6.13. PORTLAND SOUTH, (Pages 273 -
UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, 282)
PLYMOUTH. 13/00486/LBC

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally .

6.14. PORTLAND NORTH, (Pages 283 -
UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, 302)
PLYMOUTH. 13/00487/FUL

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally Subject to a S106 Obligation, with
delegated authority to refuse in the event that the S106
obligation is not completed by 31 May 2013

6.15. PORTLAND NORTH, (Pages 303 -
UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, 312)
PLYMOUTH. 13/00488/LBC

Applicant: University of Plymouth
Ward: Drake
Recommendation: Grant Conditionally.

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 313 - 344)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 22 April 2013 to 13 May 2013, including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

8. APPEAL DECISIONS (Pages 345 - 346)

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that this schedule is available for inspection at First Stop Reception, Civic Centre.

9. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Planning Committee

Thursday 2 May 2013

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Aspinall (substituting Councillor Jon Taylor), Mrs Bowyer, Darcy, Philippa Davey (substituting Councillor John Smith), Sam Davey, Nicholson, Mrs Nicholson (substituting Councillor Mrs Foster), Stark, Tuffin (substituting Councillor Vincent) and Wheeler.

Apologies for absence: Councillors Mrs Foster, John Smith, Jon Taylor and Vincent.

Also in attendance: Peter Ford – Planning Lead Officer, Julie Rundle – Senior Lawyer and Ross Johnston – Democratic Support Officer.

The meeting started at 4.00 pm and finished at 7.55 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

105. DECLARATIONS OF INTEREST

The following declarations of interest was made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Tuffin	109.4 The New Waterfront Ltd, 9 Grand Parade, Plymouth 13/00201/FUL	Member of the Plymouth Waterfront Partnership.	Personal

106. MINUTES

Agreed the minutes of the meeting held on 4 April 2013 subject to –

- (a) Councillor Smith being removed from voting AGAINST the motion to refuse on the I Seaton Avenue, Plymouth application, 13/00101/FUL;
- (b) Councillor Stark being included as voting FOR the motion to refuse and AGAINST the officer's recommendation on the I Seaton Avenue, Plymouth application, 13/00101/FUL.

107. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

108. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The following question was received from a member of the public, in accordance with paragraph 10 of the Constitution.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q13 - 12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant Planning Application
Question:			
<p>Nine breaches of recorded noise and working hours were reported to the South West Devon Waste Partnership meeting on 24 January 2013 for the period from commencement of main piling work in August 2012. What is the Council's latest recorded total of MVV's planning condition breaches for the project?</p>			
Response:			
<p>Since the 24th January 2013 there have been no further breaches of noise levels to date. There has however been one additional breach of working hours. This breach occurred on 5th February 2013, and involved overworking of approximately 50 minutes.</p> <p>I and local members raised this matter with the Managing Director of MVV when we met him with officers on the 7th February 2013. Mr Carey attributed this breach to an unforeseen and unexpected construction problems associated with having to deal with a blocked pipe during the pouring of concrete.</p> <p>Following discussions with MVV about this incident, they have agreed to implement further specific contingency measures to reduce the likelihood of further working hours breaches. To date there have been no further working hours or other planning condition breaches known to have occurred since.</p> <p>Planning and Public Protection Officers will continue to monitor the MVV compliance with all the planning conditions and Section 106 provisions carefully, and where necessary take legal action if that is merited.</p>			

109. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation

Areas) Act, 1990. Addendum reports were submitted in respect of minute numbers 109.1, 109.2 and 109.3.

**109.1 PARKVIEW HOUSE, TRELAWNEY LANE, PLYMOUTH,
I3/00349/FUL**

(T & O Developments)

Decision:

Application **GRANTED** conditionally, subject to an informative to be added as follows:

Parkview House, or any of its residents, will be prevented from being granted a parking permit if a Controlled Parking Zone (CPZ) is implemented on Trelawney Lane in the future.

(The Committee heard representations in support of the application).

(The Committee heard representations against the application).

109.2 ERRIL RETAIL PARK, PLYMOUTH, I3/00147/FUL

(Optimisation Developments Ltd)

Decision:

Application **MINDED TO GRANT** conditionally, and **DEFERRED** for further consideration of the following transport and highways issues:

- (i) Alternative highway solutions for Heavy Goods Vehicles (HGVs) exiting the site including opportunities to use Plymouth Road and a mini roundabout at the junction of Cot Hill and Merafield Road.
- (ii) Improved cycling provisions on east bound side of Plymouth Road.
- (iii) Amendments to Condition 17 (Loading and Unloading Provision) to prioritise exit onto Plymouth Road.
- (iv) The potential of conditioning the applicant to undertake traffic monitoring.

The Committee agreed that the amendments to conditions 10 and 11 as detailed in the addendum report are rejected and, therefore, the conditions remain as follows:

- (a) Condition 10 - HOURS OF DELIVERY AND REFUSE COLLECTION:
No deliveries shall be taken at or dispatched from the site outside the hours of 6am until 10pm Monday – Saturday, nor at any time on Sundays, Bank or Public Holidays;
- (b) Condition 11 – OPENING HOURS:
The use hereby permitted shall not be open to customers outside the following times: 2100 hours to 0800 hours Monday to Saturdays inclusive and 1600 hours to 1000 hours on Sundays and Bank or Public Holiday.

(The Committee heard representations from Councillor Beer, ward member).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(Councillor Wheeler's proposal to reject the amendment to Condition 11, as proposed in the addendum report, having been seconded by Councillor Stevens, was put to the vote and declared carried).

(Councillor Aspinall's proposal to reject the amendment to Condition 10, as proposed in the addendum report, having been seconded by Councillor Nicholson, was put to the vote and declared carried).

(Councillor Nicholson's proposal to defer the application, having been seconded by Councillor Stevens, was put to the vote and declared carried).

109.3 LAND ADJACENT TO COMMONWOOD COTTAGE, ESTOVER CLOSE, PLYMOUTH, 13/00449/FUL

(Miss Beth Roberts)

Decision:

Application **MINDED TO GRANT** and **DEFERRED** with delegated authority for the Assistant Director for Planning in consultation with the Chair, Vice-Chair and Councillor Mrs Bowyer to determine the application, subject to satisfactory responses in relation to:

- (a) a phase I Habitat Survey and associated protected species being completed and any mitigation measures addressed, to ensure that the Local Planning Authority are satisfied that the development will not have a significant impact on nature and biodiversity in the proposed location;
- (b) further consideration by the Local Planning Authority to agree suitable conditions which should include conditions to address Core Strategy Policy CS18 (Plymouth's Green Space)

(The Committee heard representations from Councillor Fox, ward member).

(The Committee heard representations in support of the application).

(Councillor Steven's proposal to defer the application, having been seconded by Councillor Nicholson, was put to the vote and declared carried).

109.4 THE NEW WATERFRONT LTD, 9 GRAND PARADE, PLYMOUTH, 13/00201/FUL

(Plymouth Bike Hire)

Decision:

Application **GRANTED** conditionally with an additional condition as follows:

Not to use the site for any other purpose other than for bike hire and the hire of associated cycling equipment

(The Committee heard representations from Councillor Penberthy, ward member).

(The Committee heard representations in support of the application).

(Councillor Tuffin declared a personal interest in respect of this item).

110. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 22 March 2013 to 21 April 2013, including –

- Committee decisions
- Delegated decisions, subject to conditions where so indicated
- Applications withdrawn
- Applications returned as invalid

Members noted the planning applications issued.

111. **APPEAL DECISIONS**

Members noted the appeal decisions.

112. **EXEMPT BUSINESS**

There were no items of exempt business.

***** SCHEDULE OF VOTING** (Pages 7 - 8)

*****PLEASE NOTE*****

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

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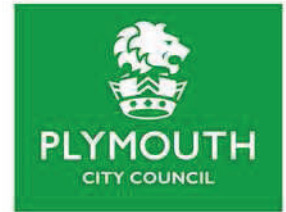
PLANNING COMMITTEE – 2 May 2013

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
109.1 PARKVIEW HOUSE, TRELAWNEY LANE, PLYMOUTH, I3/00349/FUL (Informative)	Unanimous.				
109.1 PARKVIEW HOUSE, TRELAWNEY LANE, PLYMOUTH, I3/00349/FUL (Officer recommendation)	Councillors Stevens, Tuohy, Aspinall, Mrs Bowyer, Darcy, P. Davey, S. Davey, Nicholson, Stark, Tuffin and Wheeler.		Mrs Nicholson.		
109.2 ERRIL RETAIL PARK, PLYMOUTH I3/00147/FUL (Condition - 11)	Unanimous.				
109.2 ERRIL RETAIL PARK, PLYMOUTH I3/00147/FUL (Condition - 10)	Unanimous.				
109.2 ERRIL RETAIL PARK, PLYMOUTH I3/00147/FUL (Defer)	Councillors Stevens, Tuohy, Aspinall, Mrs Bowyer, Darcy, P. Davey, S. Davey, Mrs Nicholson, Nicholson, Stark and Tuffin.	Councillor Wheeler.			
109.3 LAND ADJACENT TO COMMONWOOD COTTAGE, ESTOVER CLOSE, PLYMOUTH I3/00449/FUL (Defer)	Councillors Stevens, Tuohy, Aspinall, Mrs Bowyer, Darcy, P. Davey, S. Davey, Mrs Nicholson, Nicholson, Tuffin and Wheeler.				Councillor Stark.

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
109.4 THE NEW WATERFRONT LTD, 9 GRAND PARADE, PLYMOUTH 13/00201/FUL (Officer recommendation)	Councillors Stevens, Tuohy, Aspinall, Mrs Bowyer, Darcy, P. Davey, S. Davey, Mrs Nicholson, Tuffin and Wheeler.				Councillors Nicholson and Stark.

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 13/00264/FUL

Applicant: Mr and Mrs Truscott

Description of Application: Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application 12/02047/FUL) (Readvertised due to amended plans showing changes to window openings on north and east elevations)

Type of Application: Full Application

Site Address: HOOE BARN, HOOE ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 15/02/2013

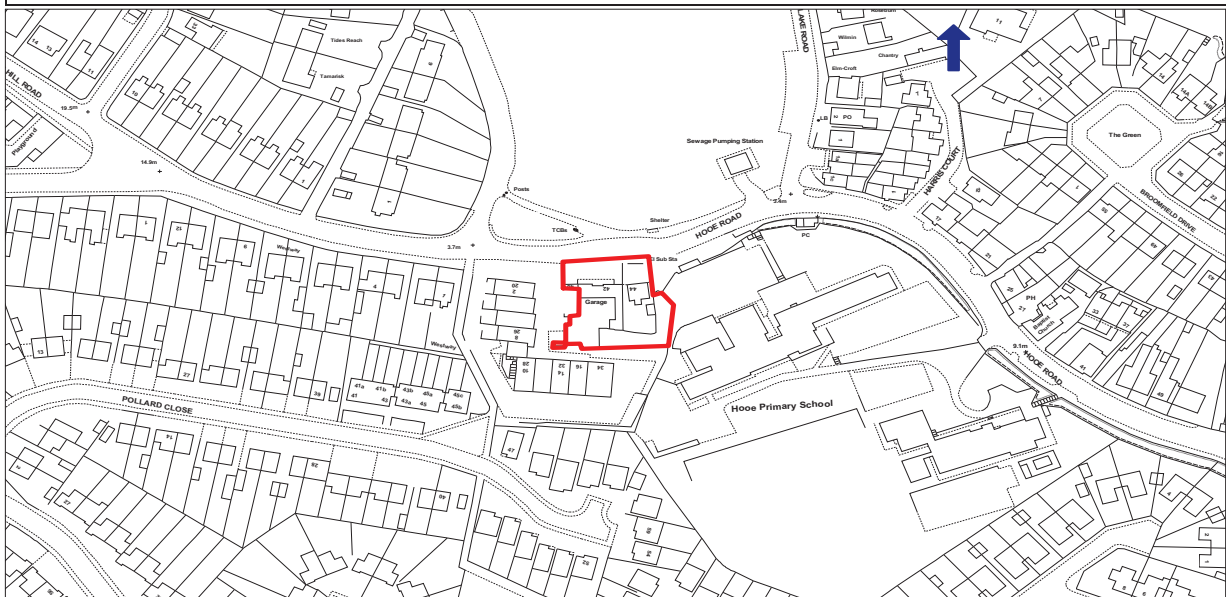
8/13 Week Date: **12/04/2013**

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



This application has been referred to Planning Committee by Councillor Ken Foster.

The application was considered at Planning Committee on April 4th 2013 and was deferred for the following reasons: a) to negotiate the removal of the proposed window on the north side of the building; b) to carry out further community engagement; c) further negotiation to change condition four in order to limit the use of the MOT centre to MOT testing only with associated minor repairs linked to the MOT operation d) to negotiate the phasing of the development to ensure the barn is properly restored;

A follow-up meeting was held between officers and the applicant on April 17th to discuss the deferment reasons.

The applicant has subsequently made amendments to the scheme to address these points.

a) To negotiate the removal of the proposed window on the north side of the building

The size of the window in the north elevation has been reduced from 1.8m wide to 0.75m wide on the external wall with a splayed reveal opening (2.4m wide internally) and from 4.2m high to 3.8m high. The reveals around the opening will be stone and a single pane of glass can be used with a hidden aluminium frame.

The two windows in the east elevation have also been amended to retain them as slit openings on the outside, with splayed reveals to the inside.

Further justification has been set out to retain a smaller window in the north elevation. The Barn is Grade II listed which means that it is considered to be a nationally important building of special interest but not of such significance as a Grade I or Grade II* building.

The proposed change of use of the Barn to a commercial unit should be weighed against its protection. The applicant considers that it is imperative that there is a visual link between the outside and the inside so that the use and function of the Barn will be obvious to passers-by. Currently, the whole elevation is obscured by the lean-to structure with plenty of signage. The applicant further feels that the removal of the lean-to and signage should be balanced against the insertion of a modest-sized window. The window should reduce or remove the need for signage on this elevation.

The results of the consultation events show that there is a consensus of opinion in favour of a window opening.

Officers consider that the reduction in the size of the window opening on the North elevation reduces the intrusiveness of the opening but still provides a visual link between the commercial activities within the Barn and the public realm in front of the Barn. Having a splayed opening will allow natural light into the Barn, and will mirror the historic slit openings elsewhere on the Barn.

The justification for the window submitted by the applicant is considered to set out a sufficient justification to retain a smaller opening. It is noted that the opening is required to support the change of use, and also to provide a window to the street. Officers consider that the proposed change is in conformity with the NPPF which states that harm or loss to its heritage can be justified to bring a site back into use. In this case, officers consider that the harm to the fabric of the building should be weighed against the benefits of bringing the Barn back into use and the public benefits of a retail/ café use. Officers also note the public support for the window stated at the recent consultation event.

The alteration to the window openings on the east elevation to slit/ splayed openings are also considered to be a positive amendment

b) To carry out further community engagement

Further community consultation has been undertaken since the last Planning Committee of April 4th. Plym Valley Heritage has run three public events: 1) an exhibition of plans at a talk on 18th April (19 attended); 2) a presentation to Saltram House volunteers on 25th April (about 50 attended) and a public exhibition at Hooe Baptist Church Hall on 3rd May from 2pm – 6pm at which the amended plans were exhibited and the applicant and agent were on hand to answer questions (88 attended). A questionnaire was handed out at these events, and a total of 102 completed questionnaires were returned. Of these, 95 expressed support for the development (with 7 against) and 85 expressed support for a window in the north elevation (with 14 against).

The Society for the Protection of Ancient Buildings has also submitted revised comments on the amended design. They are pleased to note that the slit windows on the East elevation are to be retained and not altered to become larger openings. The reduction in the scale of the new opening in the north (street) elevation is also welcome.

c) Further negotiation to change condition four in order to limit the use of the MOT centre to MOT testing only with associated minor repairs linked to the MOT operation

The applicant has agreed to a further condition in relation to the MOT garage to restrict paint-spraying and to limit bodywork repairs to those required for MOT testing.

Officers consider that the new condition (Condition 19) regarding no paint-spraying activity and limited bodywork repairs will provide additional protection to residents and the nearby school from undue noise or pollution associated with the MOT garage. Together with restrictions on the car sales (conditions 4 and 5), officers consider that the MOT garage will primarily be restricted to carrying out vehicle repairs associated with MOTs and car services. While the Planning Committee requested a condition restricting all bodywork repairs, officers consider that this would not be reasonable as bodywork repairs are required for MOTs and servicing.

- d) **To negotiate the phasing of the development to ensure the barn is properly restored Condition 15 (Completion of Specific Works) has been revised to require further restoration works to be undertaken in addition to roof repairs before the MOT garage is brought into use.**

Condition 15 (Completion of Specific Works) has been revised to require further restoration works to be undertaken in addition to roof repairs before the MOT garage is brought into use. These additional works are to make good and repair the north elevation of the Barn following the demolition of the lean-to garage, and to remove all vegetation. While Planning Committee requested that the Barn be fully restored prior to the MOT garage operating, officers appreciate that this would not be commercially viable for the applicant. Restoration of the Barn roof and removal of vegetation will make the Barn watertight and prevent further deterioration.

Overall, officers consider that the applicant has responded adequately to the amendments requested by the Planning Committee through submission of revised plans, additional justification and agreement to amended conditions.

Further amendments to the Officer's report

The following amendments have been made:

In the Consultation section, the Environment Agency's response has been added as has the Society for Ancient Building's (SPAB) comments on the proposals (from the Addendum Report). Amended comments from SPAB have also been included.

In the Letters of Representation section, for the point of clarity, the number of letters of objection and support has been clarified.

In the list of recommended conditions, condition 18 (FLOOD RESISTANT AND RESILIENT CONSTRUCTION) (proposed by the Environment Agency) has been added from the Addendum report.

Site Description

Hooe Barn is a Grade II listed Elizabethan threshing barn located within the Hooe Local Shopping Centre adjoining Hooe Road.

Proposal Description

Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/ car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application 12/02047/FUL) – readvertised due to amended plans showing changes to window openings on north and east elevations.

Pre-Application Enquiry

Pre-application advice was sought and the Council's advice was that the principle of demolishing the existing garage and erecting a new purpose-built garage/ MOT centre would be acceptable. The reuse of the Barn was considered positive and that a retail/café use would be acceptable in principle. The proposal to keep the Barn as one large open space was welcomed.

A meeting was held with the applicant following withdrawal of the earlier application to discuss revisions to the application. Revisions to parking layout, the addition of car sales, the café, design of windows, and hours of operation were all discussed.

A site meeting was held on the 8th Feb 2013 with a representative from the Society for the Protection of Ancient Buildings. Their advice was that some intervention to the building would be necessary to make the use commercially viable, but that intervention should be kept to a minimum.

Relevant Planning History

12/02048/LBC – Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT/Car repair garage, together with repair and restoration of Hooe Barn – withdrawn.

12/02047/FUL – Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT/car repair garage together with repair and restoration of Hooe Barn to form commercial space and creation of car parking and associated landscaping - withdrawn.

13/00265/LBC - Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application 12/02048/LBC) – under consideration.

Consultation Responses

The Highway Authority does not object to the application as sufficient parking spaces are provided for the uses proposed and the proposals do not generate a significantly greater number of trips than the current uses. It requests that the car sales area shown on the plans should be controlled by condition to avoid customer parking spaces being taken up by car sales. A further condition will be required for highway works to extend the traffic island and resurfacing of the footway.

The Public Protection Service does not object to the application but requests conditions to protect residential amenity during construction and when the uses are operating, and to ensure that adequate land remediation is carried out prior to commencement of development. It notes that the proposal includes a café use, but does not provide details of ventilation.

The Environment Agency considers that further details about flood resilience and ground floor levels in the MOT garage are required to ensure that this proposal maximises the opportunities presented by redevelopment to secure improvements in terms of flood risk. The flood level information does not appear to have been translated to flood risk on the site or how these risks will be appropriately managed, although it is noted that the Flood Risk Assessment does refer to some flood mitigation measures. Nonetheless, if the Planning Authority is minded to approve this application as it is currently submitted it recommends that conditions are included on subsequent permission to ensure the implementation of flood resistance and resilience measures (as proposed in the Flood Risk Assessment) as well as the appropriate investigation and management of contaminated land and unsuspected

contamination. It recommends a condition requiring submission of a scheme to minimise flood damage by using flood resilient construction techniques. It also recommends further land quality investigation. Officers consider that a condition should be attached regarding flood resilience, but notes that land quality conditions are already required.

The Society for the Protection of Ancient Buildings (SPAB) comments that the impact of the opening in the north elevation may be overpowering as currently designed and it may therefore be beneficial to consider reducing its scale. A reduction in the size of the opening might help to retain the agricultural character of the Barn. For the same reason it could also be suggested that the impact of the car parking and the commercial treatment of the area created by the demolition of the garage might adversely affect the setting of the Barn if it is not handled sensitively. SPAB recognises that there is a need for inclusive access and parking for disabled visitors, but more could be done to soften the area around the Barn so that the Barn is clearly read as the main feature of interest on the site. Care will be needed to ensure that the site does not end up with an overly commercial character. The use of materials with a more rugged and agricultural feel could help in this regard. Similarly, where other slit windows exist they should be retained as such. They would suggest that as the animal stalls are an important part of the building's heritage then consideration should be given to ways of imaginatively re-using the stalls elsewhere. Overall, SPAB's main concern is that the Barn should not become overtly commercial in terms of its appearance.

Since the Planning Committee of April 4th, the Society for the Protection of Ancient Buildings has submitted revised comments. It notes that the amended designs appear to be an improvement on the previous version of the scheme. They are pleased to note that the slit windows on the East elevation are to be retained and not altered to become larger openings. The reduction in the scale of the new opening in the north (street) elevation is also welcome.

Representations

103 letters of objection were received, with 6 letters of support.

The following concerns were raised:

- Concerned about the safety of pedestrians using the pavement from cars entering and leaving the site. It is a busy pavement used by school children at Hooe Primary School.
- There is not enough space for 8 parking bays between the front of the Barn and the pavement.
- The Barn is a listed building and should not be altered. The buildings to be demolished are also listed because they are attached to the Barn.
- There is currently little regulation of parking around the present garage, so residents are concerned that parking restrictions will be ignored with the new proposal.
- There could be a danger to road users from vehicles entering and leaving the site.

- The driveway acting as a service road and parking area behind the shops/ flats will be reduced in size which will impact on residents who live and park their vehicles there.
- The demolition and construction works will cause disruption to road users and pedestrians. There will also be disturbance to the nearby businesses.
- An MOT station would generate more traffic and congestion than the present garage as a viable MOT garage would require many customers a day to sustain it.
- The proposal does not appear to have a community use as was agreed when originally purchased by the owner.
- The west end of the Barn is landlocked therefore the door cannot be used for the purpose of the business.
- The application fails to take into account the loss of local services including red diesel provision for agricultural machines and the boating community. It is one of the few businesses to serve marine diesel which is also used for agricultural machines. Removal of this facility would greatly increase costs to farmers.
- There will be employment loss from the proposal as the existing employees of the garage and shop would lose their jobs.
- The proposed area is subject to flooding. The road in front of the site floods easily.
- Turning space for heavy vehicles is limited.
- The development will destroy the rustic look of Hooe Village.
- The loss of a facility that has been at the heart of the local community for years would be a gap not easily filled.
- It seems redundant to knock down the existing garage with a new one that provides fewer services and more congestion. The current garage provides MOT tests as well as repairs and vehicle maintenance and car sales, a paper shop and pasty shop. Reducing the number of services is a great inconvenience to the local residents and will suck the life out of the village.
- The design of the new building does not fit with the rural character of the village. It is an industrial-looking block.
- Further retail development will affect the viability of the existing businesses.
- Public money has been allotted to the restoration of the Barn but no repairs have been carried out. Why is demolition of existing buildings required to restore the Barn?
- An MOT station would be noisy and not helpful to the community feel of the village.
- The proposed plans will have a detrimental effect on the appearance and value of Hooe Barn. The Barn has an established character and significance within the community that would be destroyed by this application. This vital piece of history would be lost.
- 8 parking spaces would not be enough to service a small shop and garage.
- This retail unit is not ideally situated and could end up sitting empty. What will happen to the Barn then?
- There is no need for more retail space in the village.
- Plymouth City Council sold the Barn on the understanding that it would be for community use.
- The proposed large window will not be sensitive to the building or its history. It will take away the authenticity of the Barn, turning it into just another shop.

- Due to recent changes in the layout of Hooe Road access to the site has been hampered due to the positioning of a bus bay next to a traffic island.
- The application gives no information about the proposed use of the Barn.
- There is no provision for waste storage and collection and deliveries.
- How does the application benefit local people?
- The shops that were on the ground floor of the flats behind the Barn were converted into residential. Don't want the same change of use to happen here.
- There does not appear to be a plan which shows clearly how the location of the proposed development relates to the recently altered junction and new mini-roundabout at nearby Barton Road. There is one plan showing the old and the new road layouts superimposed but no clear indication as to how it relates to the application site.
- Because of the location of the adjacent re-located bus stop and its proximity to the parking access for users of the proposed Barn redevelopment vehicles exiting and turning right (eastwards) from the parking area could well find their view of traffic approaching from the west completely obstructed by a waiting bus-giving the potential for a serious accident to an unwary or careless driver.
- Concerns have been raised about the lack of a proper heritage statement with the application setting out a clear justification for the works proposed, especially for the window in the north elevation.
- It is noted that the proposal includes an energy report which recommends the installation of solar panels on the roof (location not specified).

Comments of support raise the following points:

- Supportive of overall principle but would like to see the roofline of the new garage reflect the Barn with a change of slope such as shown on application 11/01235/out. Suggests that traffic will be a concern but that this relates more to the Hooe Lake Quarry development. The City Council should undertake measures to improve public parking in the area.
- Pleased that car sales are not included in the proposal. The current garage frequently blocks existing parking with cars for sale.
- The proposed viewing window in the north elevation of the Barn should be free of posters and advertising in perpetuity.
- It is important that vehicles are able to enter and leave the site in forward gear.
- The Council should consider double-yellow lining Hooe Road along the whole frontage of the site to prevent illegal parking and place bollards on the footpath and the traffic island.
- The new bus bay has not done anything to improve the situation at this junction and obscure the views of drivers.
- The owners could engage the view of the community on the type of retail/community uses.

Analysis

1. This application is being considered alongside application 13/00265/LBC which is for listed building consent. Detailed considerations in relation to the listed building will be considered in relation to this listed building consent application.

2. The Barn is thought to have been constructed during the Elizabethan period as a threshing barn near the banks of Hooe Lake. It is one of only four such barns in the country. Shippens (smaller barns for livestock) were constructed on the north west, south west and north east walls of the Barn, although only the south west and north east shippens remain.

3. The garage and newsagents shop were built in the 1930s and much of the farmland was sold for housing following the Second World War. The farm remained in agricultural use until the 1960s when the farm and associated buildings were sold to Wimpeys. The farmhouse and outbuildings were demolished but following a local campaign the Barn was saved and became a listed building. Hooe Lake was infilled in the 1960s to create the green recreation area.

4. In the 1970s efforts were made to find a community use for the Barn but no viable use was found. In 1987 Wimpeys sold the Barn to Plymouth City Council for £150 but the shop and garage to the north and east of the Barn remained in private ownership. The Barn was sold to the present owner in 2010.

5. The Barn is orientated with doorways on an east-west orientation, to catch the prevailing westerly winds to create a draft for threshing and winnowing. The West door is slightly higher than the east door, suggesting that loaded wagons entered from the west side and exited to the east.

6. The threshing floor would originally have been of oak planks but this has gone. The floor is mainly cobbled, but with some flagstones. Pigeon holes are incorporated in the North wall. The slit windows were designed to provide light whilst keeping out the worst of the weather. Some of the windows were blocked up over the years.

7. The thick walls are of limestone rubble which taper to the top. The walls would have been at one time lime plastered and white washed.

8. The half-hipped and gabled slated roof was replaced in the 1960s so many of the original oak timbers have been lost.

9. The north elevation of the Barn is set back about 11m from the edge of the footway on Hooe Road. There are currently 3 separate vehicle cross-overs, two serving the garage and the third providing access to the pasty shop forecourt. The north elevation is currently obscured by the garage and newspaper shop, that span the whole elevation (the existing garage and shop are 3m high, 5m deep and 21m across). The garage offers car repairs, car sales and sells fuel with fuel pumps on the forecourt selling red diesel.

10. On the west side of the Barn is a wide pedestrian path (in private ownership) providing access to the west door of the Barn, the south-west shippen, and the row of shops that form Hooe Local Centre. The path follows around the south side of the Barn to provide access to flats at the rear.

11. The pasty shop is a detached single-storey building located to the east and forward of the Barn, with the frontage in line with the front of the garage. Behind the pasty shop is a yard with a lean-to store against a stone retaining wall that is thought to be part of the historic farmyard. The height difference between the yard and the upper courtyard behind the retaining wall is about 1.5m.

12. The north-east shippen is used by the garage as a store and is not visible from the outside because it is obscured by the garage. The south-west shippen and the Barn are vacant.

The proposal

13. The proposal is to demolish the later additions to the Barn (the garage, pasty shop and lean-to) and expose the north and east elevations of the Barn in order to return it to its original appearance, increase its public visibility and support a commercially viable change of use.

14. The works to the Barn include: repairing the roof, walls, reinstating and opening up former windows, replacing the roof lights, providing a new floating floor in the Barn. It is proposed to create a new 4m high window opening in the north elevation facing the road in order to create a more public frontage to the Barn. The proposed use for the Barn is for retail with a cafe. The south-west shippen will be a craft shop. The north-east shippen will have a disabled toilet for use by staff and customers of the Barn and can be used as a kitchen for the cafe. A privy on the outside east wall will be removed.

15. The proposal has been revised from the previous scheme. The main changes are:

- the MOT garage has been set further back on the site to create more car parking space to the front, three car sales spaces have been provided,
- the area for deliveries has been moved from in front of the Barn to the front of the garage,
- The internal arrangement within the north east shippen has been revised to enable a kitchen to be installed to serve the café.
- The window opening in the north elevation of the Barn has been reduced in size from 3m wide to 1.8m wide and from 4.65m high to 4.2m high, as have the rooflights.
- The use as retail and café has been clarified with a plan showing a café layout.
- Glazing has been removed from the west elevation of the MOT garage to reduce visibility to the garage.
- The 'privy' has been removed from the east wall.
- A pedestrian path across the forecourt has been added to provide a clear pedestrian route to the Barn's east entrance.
- Access to the east side of the Barn has been clarified, with steps added from the forecourt to the east door.
- Refuse storage and cycle parking have been repositioned.

16. It is proposed to replace the existing garage with a new 3 bay MOT garage that will be set back from the front of the Barn to be subservient to it. The area to the front of the Barn will become a parking area with a paved pedestrian path providing a clear route from the footpath to the east door of the Barn.
17. The garage will be set back from the north wall of the Barn by about 8m, and will be at least 2.5m from the external wall of the north east shuppen. It will be clad in stone to 3m high with flat cladding panels above. In order to achieve a level area for the garage, part of the upper courtyard will need to be excavated by about 1.5m, extending back from the current retaining wall by about 10m and 15m across. The existing stone retaining wall will be demolished.
18. The garage will have a shallow pitched roof, 6m high at the ridge, which will be of standing seam zinc with a double-glazed ridge light.
19. There will be 3 MOT bays within the garage with a reception, waiting area and toilet set back by 5m to the side and a secure tyre store at the rear. The frontage of the garage will be 12m with a further 3m width for the reception area. The garage will be 18m deep. The west elevation (facing the Barn) will have high level windows. From the south elevation, the garage will only appear to be 4.5m high as it will be cut into the slope.
20. The garage forecourt area will be 19m from the street frontage to allow parking in front and deliveries. There will be 4 customer parking spaces for the MOT garage, with 3 car sales spaces along the east boundary. There will be space for deliveries to be made in front of the MOT garage and also space for refuse lorries. The forecourt area in front of the Barn will be 11m width from the street frontage, with seven customer parking spaces. There will be two disabled parking spaces, one for the Barn and one for the MOT garage. A pedestrian path (1m wide) will lead from the footpath to the east entrance of the Barn to provide a clear pedestrian route over the forecourt.
21. The forecourt surfacing will be of bitumen macadam while the paving will be permeable block paving. Two new vehicle crossovers will be provided and the existing crossovers restored. One crossover will serve the MOT garage and the other the Barn. An existing traffic island will be extended to prevent vehicles turning right out of the Barn parking area.
22. The Barn is 9m high to the roof ridge with tapered walls that are 5.5m high to the eaves and appear to lean outwards. Internally, the Barn is 5.5m wide. Externally, the Barn together with the entrances and shippens is 18m wide and 24m long. It slopes down inside from south to north.
23. The north elevation has a half-hipped roof and 3 existing high level arrow-slit windows. It is proposed to glaze these windows.
24. The current garage and shop that spans the width of this elevation will be demolished and the fuel pumps and underground tanks will be removed. The pasty shop will also be demolished. The existing paving on the forecourt will be removed.

25. A new window opening is proposed in the north elevation that will be 4.2m high and 1.8m wide. The east elevation will have 6 rooflights along the main roof and one small rooflight above the doorway. Two former blocked up windows will be re-opened below the eaves. The east doorway will be accessed via 4 steps. These will be 1.4m wide and 0.75m high. The east doorway itself will be 2.5m high. The privy that is built on the east wall adjacent to the east door will be demolished.

26. The north-east shippen will have a doorway entrance, a glazed full height window (in a former door opening) and a window. The plans for this shippen have been revised to amend the internal layout of the space. The walls will be painted with a lime-based paint and a floating floor installed. The revised plans show that the stalls and dividers will be removed in order to create sufficient clear wall space for fittings. The revised plans also show a revised position for the toilet and the lobby. There will be a step up into the lobby and then a level access through to the Barn. The windows will be timber window frames with toughened glass. The doorway will be of timber and made to match the original with a glazing panel.

27. The west elevation has a level access from the pedestrian path to the side. The doors are 3.5m high and 2.5m wide, with 6 rooflights along the west roof. The south west shippen is at the upper courtyard level with a step up to it. There will be a doorway and window. The floor will be a floating floor. The walls will be repaired and painted with a lime-based paint to a height of 2.1m. The window will be a timber-framed top-hung casement of 1m high and 1.5m wide with toughened glass. The door will be made of timber to match existing with a small glazed panel. The stalls and dividers will be painted with an oil-based paint. The south elevation will be unchanged.

28. Internally, the walls will be painted up to a height of 2.1m with a lime-based paint leaving the upper stone walls exposed. The floor will be covered with a floating timber floor with part covered by a panel of toughened glass to expose the original floor below. In order to provide safe access throughout the Barn there will be a need to install ramps between the upper and lower levels. The existing windows and the two re-opened window openings on the east elevation will be glazed with double-glazed timber-framed windows.

29. The main doors into the Barn on the east and west elevations of the Barn will be restored and replaced, although an exact match will be made for the right-hand door of the west elevation. There will be a fully glazed glass screen inside each doorway with a single glazed entrance door. During opening hours, the wooden external doors will be kept open.

30. The roof of the Barn will be repaired with the slates relaid/ replaced and new conservation rooflights installed (4 to be electronically operated, 4 fixed). Roof insulation will be laid between the rafters with 12.5mm thick plasterboard. The new opening in the north elevation will have a fixed glazed window. A new internal door will be constructed between the Barn and the north east shippen to match the existing.

31. Two small refuse stores will be provided – one adjacent to the garage reception by the east wall and the other adjacent to the east door of the Barn. This latter area will be excavated to a depth of about 1.5m.

32. The granite arch that is attached to the south west corner of the Barn will be repaired using a lime-based mortar.

Planning considerations

33. The main planning considerations with this application are considered to be:

- Principle of the development
- Impact on the setting of the listed building, the fabric of the listed building and archaeology (these are considered in more detail in the accompanying listed building consent application)
- Transport and Highways
- Employment
- Impact on the amenity of neighbours

Principle of the development

34. The proposal is to convert the Barn to a retail/ café use with a separate craft shop in the south west shippen, to demolish the existing garage and pasty shop and to construct a new MOT garage with three car sales spaces. It is located within Hooe Local Centre adjacent to a row of shops (a flooring shop, a mini-market and Post Office, a Chinese take-away and an Indian take-away) and already has a garage, newspaper shop and pasty shop on the site.

35. The relevant policies are: SO7 (Delivering adequate shopping provision) CS I (Changes of use in District and Local Centres), CS01 (Development of Sustainable Linked Communities). The Shopping Centres SPD also provides guidance on Hooe Local Centre.

36. The Shopping Centres SPD identifies the whole site as being within the Local Centre. It notes that the Local Centre has struggled to function fully and that some of the retail units have been converted to residential. It notes that the Local Centre has a poor relationship to the street and the green beyond it. It states that the Council will encourage opportunities to strengthen the Local Centre.

37. Policy CS01 states that development should meet the needs of the neighbourhood and contribute to promoting a sustainable, linked community. Strategic Objective 7 states that new shopping development should strengthen district and local centres by encouraging a range of facilities and uses to meet people's day to day needs. CS I I refers to changes of use away from AI (retail) use. It states that changes of use are acceptable as long as the primary function of the centre is maintained and the proposed use provides a complementary role to the retailing function of the centre.

38. Officers consider that the proposals will replace the existing uses (retail and motor garage/ car sales) on the site but with a new layout. The use as a garage has evolved over the years in an ad hoc way and dominates the frontage of the site.

39. The retail element will be increased with the change of use of the Barn (which is currently vacant). A café use will be added and this is seen as important to add to the range of uses within the centre and to introduce a use that can enable the community to enjoy the interior of the Barn.

40. Officers consider that the changes will create a focal point for the local centre with the Barn that will strengthen the character of the local centre as a whole. By setting the garage to the back of the site it will reduce the dominance of the garage use and enhance the retail element.

41. Concerns have been raised that the proposals do not include a community use. When the Barn was sold to the current owner the covenant stated that the Barn should be used for leisure purposes and for uses that benefit the local community. Officers recognise the need for any use to be commercially viable. Officers consider that a retail and café use will benefit the local community by providing local services and facilities and strengthening the local community.

42. Officers consider that the proposal is in conformity with the City Council's policies on local centres and sustainable communities.

Impact on the setting of the listed building and the fabric of the building

43. Policy CS03 states that the Council will safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance.

44. The NPPF Para. 131 states that local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

45. This proposal will enable a commercially viable use for the Barn which will enable its restoration. Officers consider that the proposed retail and café use is consistent with the conservation of the Barn. The Barn has fallen into a dilapidated state and is also largely hidden from public view by the garage and shop. The demolition of the garage will reveal the north elevation of the Barn to public view and it is the officer's view that this will enhance the setting of the Barn by opening it up. The east elevation of the Barn will also be exposed by the demolition of the pasty shop and lean-to.

46. Officers consider that the new garage to the side is set back far enough from the Barn frontage that it will not detract from the setting of the Barn. Officers recognise that the forecourt in front of the Barn will be dominated by parking which will detract from the historic setting, but this is required for the commercial viability of the site and to reduce off-site impacts from car parking.

47. Historic records show that the Barn was part of a farmyard and manor and there is a chance that historic artefacts exist within the site. The demolition of the garage, shop and lean-to provides an opportunity to carry out archaeological surveys. This can be required by condition.

48. The main proposed change to the fabric of the building is the insertion of a large window in the north elevation of the building. Officers note that the window will be 4.2m high and 1.8m wide which is a significant intrusion into the fabric of the building. However, officers consider that this is necessary to make the internal use visible to the public realm and to enable commercial viability of the use. The NPPF states that substantial harm to a designated heritage asset should only be allowed where it is necessary to achieve substantial public benefits, including bringing the site back into use. Officers consider that the benefits of bringing the Barn back into use and restoring its fabric outweigh the harm to the fabric of the building from creating the new opening.

49. Officers consider that the proposals to repair the Barn and shippens and carry out works to enable the new uses will protect and enhance the fabric of the building. In order to ensure that the works to the Barn progressed alongside the new MOT garage, a phasing condition can be applied.

50. Officers note that the submitted energy statement recommends the installation of solar panels to reduce the proposal's carbon emissions in accordance with policy CS20 (Sustainable Resource Use). However, no details are provided on the submitted plans or other supporting information. Officers consider that solar panels would be detrimental to the character and setting of the listed building and would not be appropriate in this instance.

Transport and highways

51. The current use at the site consists of a garage and associated car sales/storage, a newsagents and a pasty shop. Officers note that the forecourt area is fully utilised for car sales and no customer or visitor parking is currently provided on site.

52. The proposal will provide a total of 11 formally marked out parking spaces (7 in front of the Barn and 4 in front of the MOT centre). There is also space for delivery vehicles to pull in and turn, 3 working bays for the MOT garage and 3 waiting bays, and an area for a maximum of 3 cars for sale to be parked (this can be controlled by condition). Officers consider that the customer parking spaces meet the parking standards for a development of this kind, as set out in the Development Guidelines SPD.

53. Officers note that the current access arrangements into the site are poor and designed to serve a petrol station forecourt. There are three vehicular crossings. The proposals will create two vehicular crossings : the Barn will be served by a formal vehicular access with associated pedestrian crossing while the MOT garage will be served by a dropped kerb across the footway. Sufficient space is provided for cars to enter and leave in forward gear. There is a traffic island on the road which will be opposite the turning into the Barn. In order to prevent vehicles turning right onto the road when coming out of the site, the traffic island will need to be increased in length eastwards to enable a second bollard to be installed. Drivers

wishing to turn right will then have to turn left and go around the mini-roundabout. This can be enforced by a 'Grampian' condition requiring the works under a Section 278 Agreement. A secure cycle parking area is shown, and the site is considered to be accessible on foot and by public transport, being located on the main road through Hooe.

Employment

54. No details of existing or proposed employment are stated in the application. However, officers note that the existing garage, shop and pasty shop are existing sources of employment. Officers consider that the proposals will create at least the same amount of employment and may create additional jobs.

Impact on the amenity of neighbours

55. Officers note that the proposals involve potentially noisy uses in close proximity to residents. Officers consider that conditions can be attached to protect residents from noise nuisance during construction and once the proposals are brought into use. Any proposal for ventilation extract equipment, or other internal works associated with the café use, is likely to require a further application for listed building consent, and this can be added as an informative.

56. 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.

Section 106 Obligations

None

Equalities & Diversities issues

The proposal includes disabled parking spaces and makes adequate provision for disabled access to the Barn, balanced against the constraints of the layout of the listed building. The east door of the Barn will be accessed via steps due to the difference in site levels, but there will be level access via the west door.

Conclusions

On balance, officers consider that the public benefits of bringing the Barn back into use and restoring the historic fabric outweigh the proposed alterations to the building and the new MOT garage. It is recommended to grant conditional approval.

Recommendation

In respect of the application dated **15/02/2013** and the submitted drawings Alterations to size of window openings on north and east elevations of barn 1130.LP Location Plan, 1130.10 Topographical Survey, 1130.11 Site plan, 1130.12 Floor plan of barn existing, 1130.13 South and West elevations existing, 1130.14 North and East elevations existing, 1130.15 Barn sections existing, 1130.16 Barn sections existing, 1130.20 Rev A Site plan proposed, 1130.21 Rev A Barn floor plan proposed, 1130.22 Barn South and West elevations proposed, 1130.23 Barn north and east elevations proposed, 1130.24 Rev A Barn sections proposed, 1130.25 Rev A barn sections proposed, 1130.26 Barn floor proposed, 1130.25 Rev A Barn floor indicative layout, 1130.30 Rev A MOT garage floor plan proposed, 1130.31 MOT garage elevations proposed, 1130.32 MOT garage section proposed, Design and Access Statement, Structural Survey Report, A potted history of the land at Hooe, Extended Phase I Habitat Survey, Flood Risk Assessment, Transport Statement, Phase One Contamination Status Report, Energy Report,,it is recommended to:
Grant Conditionally

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1130.LP Location Plan, 1130.10 Topographical Survey, 1130.11 Site plan, 1130.12 Floor plan of barn existing, 1130.13 South and West elevations existing, 1130.14 North and East elevations existing, 1130.15 Barn sections existing, 1130.16 Barn sections existing, 1130.20 Rev A Site plan proposed, 1130.21 Rev A Barn floor plan proposed, 1130.22 Barn South and West elevations proposed, 1130.23 Barn north and east elevations proposed, 1130.24 Rev A Barn sections proposed, 1130.25 Rev A barn sections proposed, 1130.26 Barn floor proposed, 1130.25 Rev A Barn floor indicative layout, 1130.30 Rev A MOT garage floor plan proposed, 1130.31 MOT garage elevations proposed, 1130.32 MOT garage section proposed, Design and Access Statement, Structural Survey Report, A potted history of the land at Hooe, Extended Phase I Habitat Survey, Flood Risk Assessment, Transport Statement, Phase One Contamination Status Report, Energy Report,

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.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CAR PARKING PROVISION

(3) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, and that area shall not thereafter 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.

ANCILLARY OR INCIDENTAL USE

(4) The proposed car sales shall only be used for purposes incidental or ancillary to the primary use of the premises as MOT centre/ garage.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority; this condition is in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTION OF CAR SALES

(5) No more than 3 No. (three) vehicles shall be displayed for sales purposes on the site without the prior consent in writing of the local planning authority.

Reason

In order to safeguard the amenity of the locality and the satisfactory operation of the site, in accordance with policies CS28 and CS34 of Plymouth's Local Development Framework Core Strategy (2006 - 2021) 2007.

NOISE

(6) The internal doors to the barn referred to in the proposed plan must be self closing. The door to the proposed craftshop must also be self closing and must remain closed whilst work is being carried out within the building so as to prevent noise from disturbing neighbouring residential properties.

Reason:

To protect the residential and general amenity of the area from noise in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

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

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

(8) 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.

DELIVERY HOURS

(9) There should be no deliveries to either site outside of the following times: 08:00 - 18:00 Monday - Friday, or 08:00 - 13:00 Saturday. There should be no deliveries or collections on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from noise and disturbance and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING HOURS

(10) The uses hereby permitted shall not be open to customers outside the following times: 08:00 - 18:00 hours Mondays to Fridays inclusive and 08:00 - 17:00 on Saturdays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PETROLEUM LICENSING

(11) Permanent decommissioning of underground fuel storage tanks and associated pipes/ infrastructure present on site, in accordance with the Association for Petroleum and Explosives Administration (APEA) publication on Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (2001).

Reason

To bring the site to a condition suitable for the intended proposed use and to protect the amenity value of future site users, nearby residents and the environment in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

ARCHAEOLOGY

(12) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme and in accordance with other such details as may subsequently be agreed in writing by the Planning Authority.'

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(13) No development shall take place until details of all materials to be used to surface external areas of the development hereby approved 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.

EXTERNAL MATERIALS: MOT GARAGE

(14) No development shall take place until details of the materials to be used in the construction of the external surfaces of the MOT garage 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.

COMPLETION OF SPECIFIC WORKS

(15) Before the MOT garage hereby permitted is first brought into use the following works to the Barn shall be completed: all repairs and associated works to the roof of the Barn to be carried out in accordance with the approved plans, the stonework on the north elevation of the Barn shall be repaired and made good following demolition of the attached garage and shop and all vegetation shall be removed from the walls of the Barn..

Reason:

To ensure that this essential part of the development is provided before the building is brought into use, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS/HIGHWAY IMPROVEMENTS

(16) The use hereby permitted shall not commence 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.

CYCLE PROVISION

(17) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for at least 4 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOOD RESISTANT AND RESILIENT CONSTRUCTION

(18) No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To minimise the damage to the building from flood events in accordance with policy CS22 of the Plymouth Local Development Framework Core Strategy 2007 (2006 - 2021).

RESTRICTION ON MOT USE TO EXCLUDE PAINT-SPRAYING AND LIMIT BODYWORK REPAIRS

(19) No paint-spraying shall be undertaken by the MOT centre/ garage hereby permitted and any bodywork repairs must be restricted to essential work related to MOT testing.

Reason

To protect the residential and general amenity of the area in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 – 2021) 2007.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

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

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: principle of the development, impact on the setting of the listed building, the fabric of the listed building and archaeology, transport and highways, employment and impact on the amenity of neighbours, 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 (1) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS11 - Change of Use in District/Local Centres
- CS20 - Resource Use
- CS03 - Historic Environment
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- SO7 - Delivering Adequate Shopping Provision Targets
- NPPF - National Planning Policy Framework March 2012
- SCSP - Shopping Centres Supplementary Planning Document

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 13/00265/LBC

Applicant: Mr and Mrs Truscott

Description of Application: Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application 12/02048/LBC). (Readvertised due to amended plans showing changes to window openings on north and east elevations)

Type of Application: Listed Building

Site Address: HOOE BARN, HOOE ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 15/02/2013

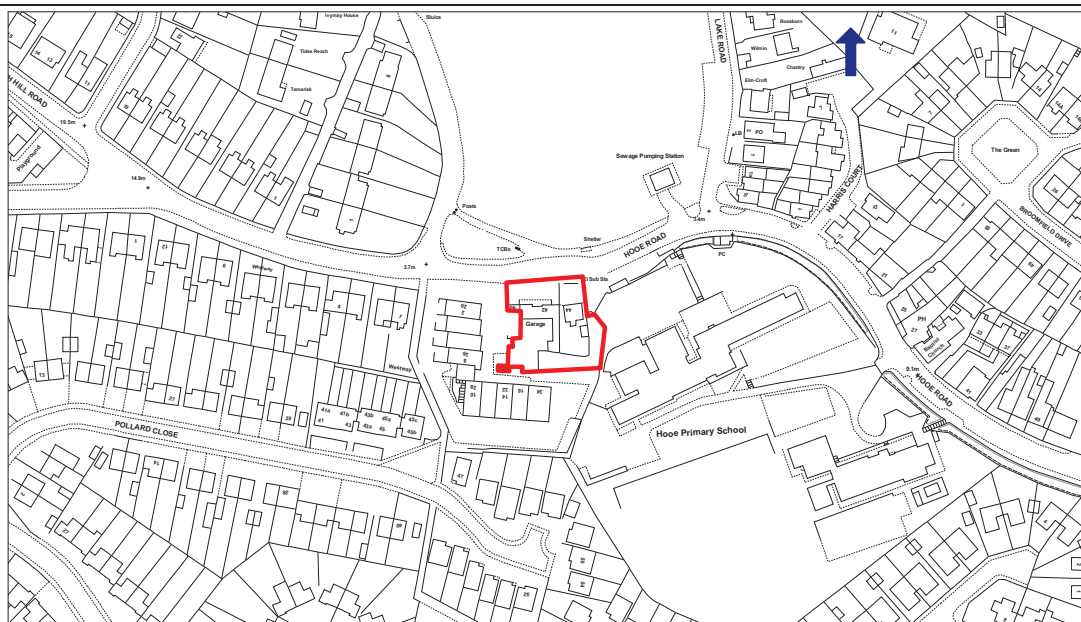
8/13 Week Date: **12/04/2013**

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

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This application has been referred to Planning Committee by Councillor Ken Foster.

The application was considered at Planning Committee on April 4th 2013 and was deferred for the following reasons: a) to negotiate the removal of the proposed window on the north side of the building; b) to carry out further community engagement; c) further negotiation to change condition four of application I3/00264/FUL in order to limit the use of the MOT centre to MOT testing only with associated minor repairs linked to the MOT operation d) to negotiate the phasing of the development to ensure the barn is properly restored;

A follow-up meeting was held between officers and the applicant on April 17th to discuss the deferment reasons.

The applicant has subsequently made amendments to the scheme to address these points.

a) To negotiate the removal of the proposed window on the north side of the building

The size of the window in the north elevation has been reduced from 1.8m wide to 0.75m wide on the external wall with a splayed reveal opening (2.4m wide internally) and from 4.2m high to 3.8m high. The reveals around the opening will be stone and a single pane of glass can be used with a hidden aluminium frame.

The two windows in the east elevation have also been amended to retain them as slit openings on the outside, with splayed reveals to the inside.

Further justification has been set out to retain a smaller window in the north elevation. The Barn is Grade II listed which means that it is considered to be a nationally important building of special interest but not of such significance as a Grade I or Grade II* building.

The proposed change of use of the Barn to a commercial unit should be weighed against its protection. The applicant considers that it is imperative that there is a visual link between the outside and the inside so that the use and function of the Barn will be obvious to passers-by. Currently, the whole elevation is obscured by the lean-to structure with plenty of signage. The applicant further feels that the removal of the lean-to and signage should be balanced against the insertion of a modest-sized window. The window should reduce or remove the need for signage on this elevation.

The results of the consultation events show that there is a consensus of opinion in favour of a window opening.

Officers consider that the reduction in the size of the window opening on the North elevation reduces the intrusiveness of the opening but still provides a visual link between the commercial activities within the Barn and the public realm in front of the Barn. Having a splayed opening will allow natural light into the Barn, and will mirror the historic slit openings elsewhere on the Barn.

The justification for the window submitted by the applicant is considered to set out a sufficient justification to retain a smaller opening. It is noted that the opening is required to support the change of use, and also to provide a window to the street. Officers consider that the proposed change is in conformity with the NPPF which states that harm or loss to a heritage asset can be justified to bring a site back into use. In this case, officers consider that the harm to the fabric of the building should be weighed against the benefits of bringing the Barn back into use and the public benefits of a retail/ café use. Officers also note the public support for the window stated at the recent consultation event.

The alteration to the window openings on the east elevation to slit/ splayed openings are also considered to be a positive amendment

a) To carry out further community engagement

Further community consultation has been undertaken since the last Planning Committee of April 4th. Plym Valley Heritage has run three public events: 1) an exhibition of plans at a talk on 18th April (19 attended); 2) a presentation to Saltram House volunteers on 25th April (about 50 attended) and a public exhibition at Hooe Baptist Church Hall on 3rd May from 2pm – 6pm at which the amended plans were exhibited and the applicant and agent were on hand to answer questions (88 attended). A questionnaire was handed out at these events, and a total of 102 completed questionnaires were returned. Of these, 95 expressed support for the development (with 7 against) and 85 expressed support for a window in the north elevation (with 14 against).

The Society for the Protection of Ancient Buildings (SPAB) has also submitted revised comments on the amended design. They are pleased to note that the slit windows on the East elevation are to be retained and not altered to become larger openings. The reduction in the scale of the new opening in the North (street) elevation is also welcome.

c) Further negotiation to change condition four of application I3/00264/FUL to restrict use of the MOT garage to exclude bodywork repairs

This issue is considered in the accompanying planning application.

d) To negotiate the phasing of the development to ensure the Barn is properly restored

Condition 20 (Completion of Specific Works) has been revised to require further restoration works to be undertaken in addition to roof repairs before the MOT garage is brought into use. These additional works are to make good and repair the north elevation of the Barn following the demolition of the lean-to garage, and to remove all vegetation. While Planning Committee requested that the Barn be fully restored prior to the MOT garage operating, officers appreciate that this would not be commercially viable for the applicant. Restoration of the Barn roof and removal of vegetation will make the Barn watertight and prevent further deterioration.

Overall, officers consider that the applicant has responded adequately to the amendments requested by the Planning Committee through submission of revised plans, additional justification and agreement to amended conditions.

Further amendments to the Officer's report

The following amendments have been made:

In the Consultation section, the Society for Ancient Building's (SPAB) comments on the original proposals have been added (the comments were in the previous addendum report). Amended comments from SPAB have also been included.

In the Letters of Representation section, for the point of clarity, the number of letters of objection and support has been confirmed.

Site Description

Hooe Barn is a Grade II listed Elizabethan threshing barn located within the Hooe Local Shopping Centre adjoining Hooe Road.

Proposal Description

Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application 12/02048/LBC).

Pre-Application Enquiry

Pre-application advice was sought and the Council's advice was that the principle of demolishing the existing garage and erecting a new purpose-built garage/ MOT centre would be acceptable. The reuse of the Barn was considered positive and that a retail/café use would be acceptable in principle. The proposal to keep the Barn as one large open space was welcomed.

A meeting was held with the applicant following withdrawal of the earlier application to discuss revisions to the application. Revisions to parking layout, the addition of car sales, the café, design of windows, and hours of operation were all discussed.

A site meeting was held on the 8th Feb 2013 with a representative from the Society for the Protection of Ancient Buildings. Their advice was that some intervention to the building would be necessary to make the use commercially viable, but that intervention should be kept to a minimum.

Relevant Planning History

12/02048/LBC – Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT/Car repair garage, together with repair and restoration of Hooe Barn – withdrawn.

12/02047/FUL – Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT/car repair garage together with repair and restoration of Hooe Barn to form commercial space and creation of car parking and associated landscaping - withdrawn.

I3/00264/FUL - Demolition of single-storey garage, pasty shop and lean-to and construction of detached MOT garage/car sales together with repair and restoration of Hooe Barn to form retail unit and café and creation of car parking and associated landscaping (revision to application I2/02047/FUL) – under consideration.

Consultation Responses

The Highway Authority does not object to the application as sufficient parking spaces are provided for the uses proposed and the proposals do not generate a significantly greater number of trips than the current uses. It requests that the car sales area shown on the plans should be controlled by condition to avoid customer parking spaces being taken up by car sales. A further condition will be required for highway works to extend the traffic island and resurfacing of the footway.

The Public Protection Service does not object to the application but requests conditions to protect residential amenity during construction and when the uses are operating, and to ensure that adequate land remediation is carried out prior to commencement of development. It notes that the proposal includes a café use, but does not provide details of ventilation.

The Society for the Protection of Ancient Buildings (SPAB) comments that the impact of the opening in the north elevation may be overpowering as currently designed and it may therefore be beneficial to consider reducing its scale. A reduction in the size of the opening might help to retain the agricultural character of the Barn. For the same reason it could also be suggested that the impact of the car parking and the commercial treatment of the area created by the demolition of the garage might adversely affect the setting of the Barn if it is not handled sensitively. SPAB recognises that there is a need for inclusive access and parking for disabled visitors, but more could be done to soften the area around the Barn so that the Barn is clearly read as the main feature of interest on the site. Care will be needed to ensure that the site does not end up with an overly commercial character. The use of materials with a more rugged and agricultural feel could help in this regard. Similarly, where other slit windows exist they should be retained as such. They would suggest that as the animal stalls are an important part of the building's heritage then consideration should be given to ways of imaginatively re-using the stalls elsewhere. Overall, SPAB's main concern is that the Barn should not become overtly commercial in terms of its appearance.

Since the Planning Committee of April 4th, the Society for the Protection of Ancient Buildings has submitted revised comments. It notes that the amended designs appear to be an improvement on the previous version of the scheme. They are pleased to note that the slit windows on the East elevation are to be retained and not altered to become larger openings. The reduction in the scale of the new opening in the north (street) elevation is also welcome.

Representations

103 letters of objection were received, with 6 letters of support.

The following concerns were raised:

- Concerned about the safety of pedestrians using the pavement from cars entering and leaving the site. It is a busy pavement used by school children at Hooe Primary School.
- There is not enough space for 8 parking bays between the front of the Barn and the pavement.
- The Barn is a listed building and should not be altered. The buildings to be demolished are also listed because they are attached to the Barn.
- There is currently little regulation of parking around the present garage, so residents are concerned that parking restrictions will be ignored with the new proposal.
- There could be a danger to road users from vehicles entering and leaving the site.
- The driveway acting as a service road and parking area behind the shops/ flats will be reduced in size which will impact on residents who live and park their vehicles there.
- The demolition and construction works will cause disruption to road users and pedestrians. There will also be disturbance to the nearby businesses.
- An MOT station would generate more traffic and congestion than the present garage as a viable MOT garage would require many customers a day to sustain it.
- The proposal does not appear to have a community use as was agreed when originally purchased by the owner.
- The west end of the Barn is landlocked therefore the door cannot be used for the purpose of the business.
- The application fails to take into account the loss of local services including red diesel provision for agricultural machines and the boating community. It is one of the few businesses to serve marine diesel which is also used for agricultural machines. Removal of this facility would greatly increase costs to farmers.
- There will be employment loss from the proposal as the existing employees of the garage and shop would lose their jobs.
- The proposed area is subject to flooding. The road in front of the site floods easily.
- Turning space for heavy vehicles is limited.
- The development will destroy the rustic look of Hooe Village.
- The loss of a facility that has been at the heart of the local community for years would be a gap not easily filled.
- It seems redundant to knock down the existing garage with a new one that provides fewer services and more congestion. The current garage provides MOT tests as well as repairs and vehicle maintenance and car sales, a paper shop and pasty shop. Reducing the number of services is a great inconvenience to the local residents and will suck the life out of the village.
- The design of the new building does not fit with the rural character of the village. It is an industrial-looking block.
- Further retail development will affect the viability of the existing businesses.
- Public money has been allotted to the restoration of the Barn but no repairs have been carried out. Why is demolition of existing buildings required to restore the Barn?

- An MOT station would be noisy and not helpful to the community feel of the village.
- The proposed plans will have a detrimental effect on the appearance and value of Hooe Barn. The Barn has an established character and significance within the community that would be destroyed by this application. This vital piece of history would be lost.
- 8 parking spaces would not be enough to service a small shop and garage.
- This retail unit is not ideally situated and could end up sitting empty. What will happen to the Barn then?
- There is no need for more retail space in the village.
- Plymouth City Council sold the Barn on the understanding that it would be for community use.
- The proposed large window will not be sensitive to the building or its history. It will take away the authenticity of the Barn, turning it into just another shop.
- Due to recent changes in the layout of Hooe Road access to the site has been hampered due to the positioning of a bus bay next to a traffic island.
- The application gives no information about the proposed use of the Barn.
- There is no provision for waste storage and collection and deliveries.
- How does the application benefit local people?
- The shops that were on the ground floor of the flats behind the Barn were converted into residential. Don't want the same change of use to happen here.
- There does not appear to be a plan which shows clearly how the location of the proposed development relates to the recently altered junction and new mini-roundabout at nearby Barton Road. There is one plan showing the old and the new road layouts superimposed but no clear indication as to how it relates to the application site.
- Because of the location of the adjacent re-located bus stop and its proximity to the parking access for users of the proposed Barn redevelopment vehicles exiting and turning right (eastwards) from the parking area could well find their view of traffic approaching from the west completely obstructed by a waiting bus-giving the potential for a serious accident to an unwary or careless driver.
- No proper heritage statement has been included with the application to justify the works proposed.
- The proposed window in the north elevation of the building is an unjustified intervention in the historic fabric of the building.
- The scale of the proposed MOT garage is detrimental to the setting of the Barn.
- Velux windows are not appropriate for a listed building.

Comments of support raise the following points:

- Supportive of overall principle but would like to see the roofline of the new garage reflect the Barn with a change of slope such as shown on application 11/01235/out. Suggests that traffic will be a concern but that this relates more to the Hooe Lake Quarry development. The City Council should undertake measures to improve public parking in the area.
- The proposed viewing window in the north elevation of the Barn should be free of posters and advertising in perpetuity.
- It is important that vehicles are able to enter and leave the site in forward gear.

- The Council should consider double-yellow lining Hooe Road along the whole frontage of the site to prevent illegal parking and place bollards on the footpath and the traffic island.
- The new bus bay has not done anything to improve the situation at this junction and obscure the views of drivers.
- The owners could engage the view of the community on the type of retail/community uses.

Analysis

1. The Barn is thought to have been constructed during the Elizabethan period as a threshing barn near the banks of Hooe Lake, forming part of Hooe Manor. It is one of only four such barns in the country. A chapel was built about 1380 but was destroyed in the Civil War. It is thought that the granite arched doorway jutting out from the South West corner of the Barn dates from this chapel, and later formed the gateway between the upper and lower farmyard. Shippens (smaller barns for livestock) were constructed on the north west, south west and north east walls of the Barn, although only the south west and north east shippens remain.
2. The garage and newsagents shop were built in the 1930s and much of the farmland was sold for housing following the Second World War. The farm remained in agricultural use until the 1960s when the farm and associated buildings were sold to Wimpey's. The farmhouse and outbuildings were demolished but following a local campaign the Barn was saved and became a listed building. Hooe Lake was infilled in the 1960s to create the green recreation area on the opposite side of Hooe Road.
3. In the 1970s efforts were made to find a community use for the Barn but no viable use was found. In 1987 Wimpeys sold the Barn to Plymouth City Council for £150 but the shop and garage to the north and east of the Barn remained in private ownership. The Barn was sold to the present owner in 2010.
4. The Barn is orientated with doorways on an east-west orientation, to catch the prevailing westerly winds to create a draft for threshing and winnowing. The West door is slightly higher than the east door, suggesting that loaded wagons entered from the west side and exited to the east. Inside the west door is a beam which extends across the opening just above door height. This was used to hang cloths to control the draught. There is also a grease cupboard in the wall which was used to grease the leather straps of the threshing machine.
5. The threshing floor would originally have been of oak planks but this has gone. The floor is mainly cobbled, but with some flagstones. Pigeon holes are incorporated in the North wall for the pigeons to roost. The slit windows in the North elevation were designed to provide light whilst keeping out the worst of the weather. Some of the windows were blocked up over the years.

6. The thick walls are of limestone rubble which taper to the top. The walls would have been at one time lime plastered and white washed. The half-hipped and gabled slated roof was replaced in the 1960s so many of the original oak timbers have been lost.
7. The north elevation of the Barn is set back about 11m from the edge of the footway on Hooe Road. There are currently 3 separate vehicle cross-overs, two serving the garage and the third providing access to the pasty shop forecourt. The north elevation is currently obscured by the garage and newspaper shop, that span the whole elevation (the existing garage and shop are 3m high, 5m deep and 21m across). The garage offers car repairs, car sales and sells fuel with fuel pumps on the forecourt selling red diesel.
8. On the west side of the Barn is a wide pedestrian path (in private ownership) providing access to the west door of the Barn, the south-west shippen, and the row of shops that form Hooe Local Centre. The path follows around the south side of the Barn to provide access to flats at the rear.
9. The pasty shop is a detached single-storey building located to the east and forward of the Barn, with the frontage in line with the front of the garage. Behind the pasty shop is a yard with a lean-to store against a stone retaining wall that is thought to be part of the historic farmyard. The height difference between the yard and the upper courtyard behind the retaining wall is about 1.5m.
10. The north-east shippen is used by the garage as a store and is not visible from the outside because it is obscured by the garage. The south-west shippen and the Barn are vacant.

The proposal

11. The proposal is to demolish the later additions to the Barn (the garage, pasty shop and lean-to) and expose the north and east elevations of the Barn in order to return it to its original appearance, increase its public visibility and support a commercially viable change of use.
12. The works to the Barn include: repairing the roof, walls, reinstating and opening up former windows, replacing the roof lights and providing a new floating floor in the Barn. It is proposed to create a new 4m high window opening in the north elevation facing the road in order to create a more public frontage to the Barn. The proposed use for the Barn is for retail with a cafe. The south-west shippen will be a craft shop. The north-east shippen will have a disabled toilet for use by staff and customers of the Barn and can be used as a kitchen for the cafe. A privy on the outside east wall will be removed.
13. The proposal has been revised from the previous scheme (12/02048/LBC). The main changes are:
 - The MOT garage has been set further back on the site to create more car parking space to the front.
 - Three car sales spaces have been provided.

- The area for deliveries has been moved from in front of the Barn to the front of the garage.
 - The internal arrangement within the north east shippen has been revised to enable a kitchen to be installed to serve the café.
 - The window opening in the north elevation of the Barn has been reduced in size from 3m wide to 1.8m wide and from 4.65m high to 4.2m high. The rooflights have also been reduced in scale to match the existing rooflights.
 - The use as retail and café has been clarified, with a plan showing an indicative café layout.
 - Glazing has been removed from the west elevation of the MOT garage to reduce visibility to the garage.
 - The 'privy' has been removed from the east wall.
 - A pedestrian path across the forecourt has been added to provide a clear pedestrian route to the Barn's east entrance.
 - Access to the east side of the Barn has been clarified, with steps added from the forecourt to the east door.
 - Refuse storage and cycle parking have been repositioned.
14. It is proposed to replace the existing garage with a new 3 bay MOT garage that will be set back from the front of the Barn to be subservient to it. The area to the front of the Barn will become a parking area with a paved pedestrian path providing a clear route from the footpath to the east door of the Barn.
15. The garage will be set back from the north wall of the Barn by about 8m, and will be at least 2.5m from the external wall of the north east shippen. It will be clad in stone to 3m high with flat cladding panels above. In order to achieve a level area for the garage, part of the upper courtyard will need to be excavated by about 1.5m, extending back from the current retaining wall by about 10m and 15m across. The existing stone retaining wall will be demolished.
16. The garage will have a shallow pitched roof, 6m high at the ridge, which will be of standing seam zinc with a double-glazed ridge light.
17. There will be 3 MOT bays within the garage with a reception, waiting area and toilet set back by 5m to the side and a secure tyre store at the rear. The frontage of the garage will be 12m with a further 3m width for the reception area. The garage will be 18m deep. The west elevation (facing the Barn) will have high level windows. From the south elevation, the garage will only appear to be 4.5m high as it will be cut into the slope.
18. The garage forecourt area will be 19m from the street frontage to allow parking in front and deliveries. There will be 4 customer parking spaces for the MOT garage, with 3 car sales spaces along the east boundary. There will be space for deliveries to be made in front of the MOT garage and also space for refuse lorries. The forecourt area in front of the Barn will be 11m width from the street frontage, with seven customer parking spaces. There will be two disabled parking spaces, one for the Barn and one for the MOT garage. A pedestrian path (1m wide) will lead from the footpath to the east entrance of the Barn to provide a clear pedestrian route over the forecourt.

19. The forecourt surfacing will be of bitumen macadam while the paving will be permeable block paving. Two new vehicle crossovers will be provided and the existing crossovers restored. One crossover will serve the MOT garage and the other the Barn. An existing traffic island will be extended to prevent vehicles turning right out of the Barn parking area.
20. The Barn is 9m high to the roof ridge with tapered walls that are 5.5m high to the eaves. Internally, the Barn is 5.5m wide. Externally, the Barn together with the entrances and shippens is 18m wide and 24m long. It slopes down inside from south to north.
21. The north elevation has a half-hipped roof and 3 existing high level arrow-slit windows. It is proposed to glaze these windows.
22. The current garage and shop that spans the width of this elevation will be demolished and the fuel pumps and underground tanks will be removed. The pasty shop will also be demolished. The existing paving on the forecourt will be removed.
23. A new window opening is proposed in the north elevation that will be 4.2m high and 1.8m wide. The east elevation will have 6 rooflights along the main roof and one small rooflight above the doorway. Two former blocked up windows will be re-opened below the eaves. The east doorway will be accessed via 4 steps. These will be 1.4m wide and 0.75m high. The east doorway itself will be 2.5m high. The privy that is built on the east wall adjacent to the east door will be demolished.
24. The north-east shippen will have a doorway entrance, a glazed full height window (in a former door opening) and a window. The plans for this shippen have been revised to amend the internal layout of the space. The walls will be painted with a lime-based paint and a floating floor installed. The revised plans show that the stalls and dividers will be removed in order to create sufficient clear wall space for fittings. The revised plans also show a revised position for the toilet and the lobby. There will be a step up into the lobby and then a level access through to the Barn. The windows will be timber window frames with toughened glass. The doorway will be of timber and made to match the original with a glazing panel.
25. The west elevation has a level access from the pedestrian path to the side. The doors are 3.5m high and 2.5m wide, with 6 rooflights along the west roof. The south west shippen is at the upper courtyard level with a step up to it. There will be a doorway and window. The floor will be a floating floor. The walls will be repaired and painted with a lime-based paint to a height of 2.1m. The window will be a timber-framed top-hung casement of 1m high and 1.5m wide with toughened glass. The door will be made of timber to match existing with a small glazed panel. The stalls and dividers will be painted with an oil-based paint. The south elevation will be unchanged.

26. Internally, the walls will be painted up to a height of 2.1m with a lime-based paint leaving the upper stone walls exposed. The floor will be covered with a floating timber floor with part covered by a panel of toughened glass to expose the original floor below. In order to provide safe access throughout the Barn there will be a need to install ramps between the upper and lower levels. The existing windows and the two re-opened window openings on the east elevation will be glazed with double-glazed timber-framed windows.
27. The main doors into the Barn on the east and west elevations of the Barn will be restored and replaced, although an exact match will be made for the right-hand door of the west elevation. There will be a fully glazed glass screen inside each doorway with a single glazed entrance door. During opening hours, the wooden external doors will be kept open.
28. The roof of the Barn will be repaired with the slates relaid/ replaced and new conservation rooflights installed (4 to be electronically operated, 4 fixed). Roof insulation will be laid between the rafters with 12.5mm thick plasterboard. The new opening in the north elevation will have a fixed glazed window. A new internal door will be constructed between the Barn and the north east shippen to match the existing.
29. Two small refuse stores will be provided – one adjacent to the garage reception by the east wall and the other adjacent to the east door of the Barn. This latter area will be excavated to a depth of about 1.5m.
30. The granite arch that is attached to the south west corner of the Barn will be repaired using a lime-based mortar.

Planning considerations

31. The main considerations with this listed building consent application are the impact on the setting of the listed building, the fabric of the listed building and underlying archaeology.
32. Other planning considerations (principle of the development, transport and highways, employment and impact on amenity) are considered in the accompanying planning application (13/00264/FUL).

Impact on the setting of the listed building and the fabric of the building

33. Policy CS03 states that the Council will safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance.
34. The NPPF Para. 131 states that local planning authorities should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

35. Concern has been raised that the application does not include a clear heritage statement setting out a justification for the works to the listed building. There is also no reference to the listed building description. Officers consider that while a clearer, more comprehensive heritage statement would be beneficial, however, the Design and Access Statement, together with the accompanying historical account of the Barn and the detailed specification of works, provides a clear statement of the works proposed and how these will respect the historic fabric of the building.
36. While the existing newsagents and garage are technically listed because they are attached to the Barn, they have little historic significance in themselves and officers consider that their demolition will bring benefits to the setting of the listed Barn. The demolition of the garage will reveal the north elevation of the Barn to public view and it is the officer's view that this will enhance the setting of the Barn by opening it up. The east elevation of the Barn will also be exposed by the demolition of the pasty shop and lean-to. The demolition will need to be carefully undertaken to allow a full structural survey of the Barn to be properly undertaken together with a detailed recording of the building and its site (this can be required by condition). Once this has taken place, the archaeological works can take place to the east of the Barn where the garage will be located.
37. The proposal for a retail unit, café and craft shop will enable a commercially viable use for the Barn which will enable its restoration. Officers consider that the proposed retail and café use is consistent with the conservation of the Barn.
38. As the Barn is in such a poor state of repair, the restoration and repair works will need to be undertaken very carefully in order to avoid further damage to the fabric during the works and to ensure that the fabric is properly preserved. Many of the proposed works to the Barn and shippens should be conditioned to require further details to be submitted before the works are undertaken so that the Local Planning Authority can be sure that the works will be undertaken in a way that will protect and enhance the fabric and character of the building. Details required by condition should be required for works to the floor, walls, roof, insulation, windows, doors, and rainwater goods.
39. Officers consider that the new garage to the side is set back far enough from the Barn frontage that it will not detract from the setting of the Barn. Officers recognise that the forecourt in front of the Barn will be dominated by parking which will detract from the historic setting, but this is required for the commercial viability of the site and to reduce off-site impacts from car parking. Details of the external materials of the building can be requested by condition.
40. Historic records show that the Barn was part of a farmyard and manor and there is a chance that historic artefacts exist within the site. The demolition of the garage, shop and lean-to provides an opportunity to carry out archaeological surveys. This can be required by condition. Archaeological works can also be undertaken within the Barn while works to the floor are undertaken.

41. The main proposed change to the fabric of the building is the insertion of a large window in the north elevation of the building. Officers note that the window will be 4.2m high and 1.8m wide which is a significant intrusion into the fabric of the building. Officers recognise that an opening in this elevation is necessary to make the internal use of the Barn visible to the public realm, to achieve an active frontage with the street and to enable commercial viability of the use. The NPPF states that substantial harm to a designated heritage asset should only be allowed where it is necessary to achieve substantial public benefits, including bringing the site back into use. Officers consider that the benefits of bringing the Barn back into use and restoring its fabric outweigh the harm to the fabric of the building from creating the new opening. Details of the works associated with the window opening and glazing can be required by condition.
42. Officers consider that the proposal to retain the stalls and troughs within the south west shippen is positive, but it is unclear as to how these will be incorporated into the layout of the shop. Details can be requested by condition.
43. The plans for the north east shippen have been revised to remove the troughs and stalls in order to enable a kitchen to be installed in this area. While it is regrettable that part of the historic fabric will be lost, officers consider that the public benefits of the café use will outweigh the loss of the historic fabric in this instance.
44. The preservation of the archway is welcomed, but will need to be undertaken carefully in order to prevent any damage. Officers consider that a condition can require details of works to be submitted.
45. Overall, the works proposed should be seen within the context of the fact that the Barn has been empty for such a long time and that repairs are urgently required before the condition of the Barn deteriorates further. The benefits of bringing the Barn back into use and achieving much needed repairs to the historic fabric outweigh the harm to the fabric caused by the insertion of the new window opening and the erection of the new garage to the side. Officers recognise that the proposal requires alterations to be made to the building but consider that these are justified in order to secure the Barn's future. The substantial public benefits arising from the proposal in this case justify the alterations to the building's fabric.
46. In order to ensure that the repairs and conversion of the listed building are secured alongside the construction of the new garage, a phasing condition is proposed to tie the two aspects of the proposal together.
47. 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.

Section 106 Obligations

None

Equalities & Diversities issues

The proposal includes disabled parking spaces and makes adequate provision for disabled access to the Barn, balanced against the constraints of the layout of the listed building. While the east door will be accessed by steps rather than a ramp due to the difference in levels on the site, the west door provides level access.

Conclusions

On balance, it is considered that the public benefits of securing the long term future of the Barn outweigh any damage or harm caused to the fabric of the building and its setting through the construction of the new garage and alterations to the Barn. It is recommended to grant conditional approval.

Recommendation

In respect of the application dated **15/02/2013** and the submitted drawings Alterations to size of window openings on north and east elevations of barn I130.LP Location Plan, I130.10 Topographical Survey, I130.11 Site plan, I130.12 Floor plan of barn existing, I130.13 South and West elevations existing, I130.14 North and East elevations existing, I130.15 Barn sections existing, I130.16 Barn sections existing, I130.20 Rev A Site plan proposed, I130.21 Rev A Barn floor plan proposed, I130.22 Barn South and West elevations proposed, I130.23 Barn north and east elevations proposed, I130.24 Rev A Barn sections proposed, I130.25 Rev A barn sections proposed, I130.26 Barn floor proposed, I130.25 Rev A Barn floor indicative layout, I130.30 Rev A MOT garage floor plan proposed, I130.31 MOT garage elevations proposed, I130.32 MOT garage section proposed, Design and Access Statement, Structural Survey Report, A potted history of the land at Hooe, Extended Phase I Habitat Survey, Flood Risk Assessment, Transport Statement, Phase One Contamination Status Report, Energy Report,,it is recommended to:

Grant Conditionally

Conditions

APPROVED PLANS

(1) The works hereby permitted shall be carried out in accordance with the following approved plans: I130.LP Location Plan, I130.10 Topographical Survey, I130.11 Site plan, I130.12 Floor plan of barn existing, I130.13 South and West elevations existing, I130.14 North and East elevations existing, I130.15 Barn sections existing, I130.16 Barn sections existing, I130.20 Rev A Site plan proposed, I130.21 Rev A Barn floor plan proposed, I130.22 Barn South and West elevations proposed, I130.23 Barn north and east elevations proposed, I130.24 Rev A Barn sections proposed, I130.25 Rev A barn sections proposed, I130.26 Barn floor proposed, I130.25 Rev A Barn floor indicative layout, I130.30 Rev A MOT garage floor plan proposed, I130.31 MOT garage elevations proposed, I130.32 MOT garage section proposed, Design and Access Statement, Structural Survey Report, A potted history of the land at Hooe, Extended Phase I Habitat Survey, Flood Risk Assessment, Transport Statement, Phase One Contamination Status Report, Energy Report.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TIME LIMIT FOR COMMENCEMENT

(2) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

STRUCTURAL SURVEY

(3) Following the demolition of the newsagents, garage, pasty shop and lean-to to ground level only, no further works to the barn shall take place until a full structural survey of the barn has been undertaken and a detailed recording of the building and its site has been carried out and submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RECORDING OF FEATURES

(4) No works shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a record of such features is made and kept available for inspection, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ROOFLIGHTS

(5) No works shall take place until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of a flush fitting conservation type. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROGRAMME OF ARCHAEOLOGICAL WORK

(6) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme and in accordance with other such details as may subsequently be agreed in writing by the Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DOOR AND WINDOW DETAILS

(7) No works shall take place until details of the proposed new doors and window openings have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material, finish and glazing of the proposed door and window openings and the door furniture to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF MORTARS, PLASTERS AND RENDERS

(8) No works shall take place until a schedule of mixes for all mortars, plasters and renders to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF PAINT FINISH OR LIMEWASH

(9) No works shall take place until details of the proposed type and colour of all paint finishes or limewashes have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF FLOOR TREATMENTS

(10) No works shall take place until details of the methods for cleaning and treatments for the historic barn floor (including details of the floating floor and glass panel) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF HEATING

(11) No works shall take place until details of the under floor heating (or other method of heating) for the historic barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF WALL REPAIRS

(12) No works shall take place until details of the method of repair of the walls of the barn, both internal and external, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF GLAZED SCREENS

(13) No works shall take place until details of the glazed screens inside the east and west doors of the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF ROOF REPAIRS

(14) No works shall take place until details of the repairs for the roof and samples of the proposed new slates and ridge/hip tiles and methods of fixing for the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW WINDOW OPENING ON NORTH ELEVATION

(15) No works shall take place until details of the construction of the new window in the north elevation (including details of bricks, lintel, glazing, frames) of the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF RAINWATER GOODS

(16) No works shall take place until details of the rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF INTERNAL RAMPS AND STEPS

(17) No works shall take place until details of the layout and design of the internal ramps and steps within the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF EXTERNAL STEPS TO THE EAST DOOR

(18) No works shall take place until details of the external steps to the East door of the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF THE STALLS AND TROUGHS

(19) No works shall take place until details of the layout of the South West Shippen including the stalls and troughs have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF SPECIFIC WORKS

(20) Before the MOT garage hereby permitted is first brought into use the following works to the Barn shall be completed: all repairs and associated works to the roof of the Barn to be carried out in accordance with the approved plans, the stonework on the north elevation of the Barn shall be repaired and made good following demolition of the attached garage and shop and all vegetation shall be removed from the walls of the Barn..

Reason:

To ensure that this essential part of the development is provided before the building is brought into use, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: MECHANICAL VENTILATION

(1) Installation of mechanical ventilation equipment in the kitchen area or toilet may require listed building consent. Please contact the Local Planning Authority for advice.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the effect on the Listed Building, 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 works are acceptable and comply with (1) 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

NPPF - National Planning Policy Framework March 2012

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 13/00147/FUL

Applicant: Optimisation Developments Ltd

Description of Application: New food retail store and petrol filling station with associated car parking, cycle parking and landscaping (demolition of existing buildings)

Type of Application: Full Application

Site Address: ERRILL RETAIL PARK PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 05/02/2013

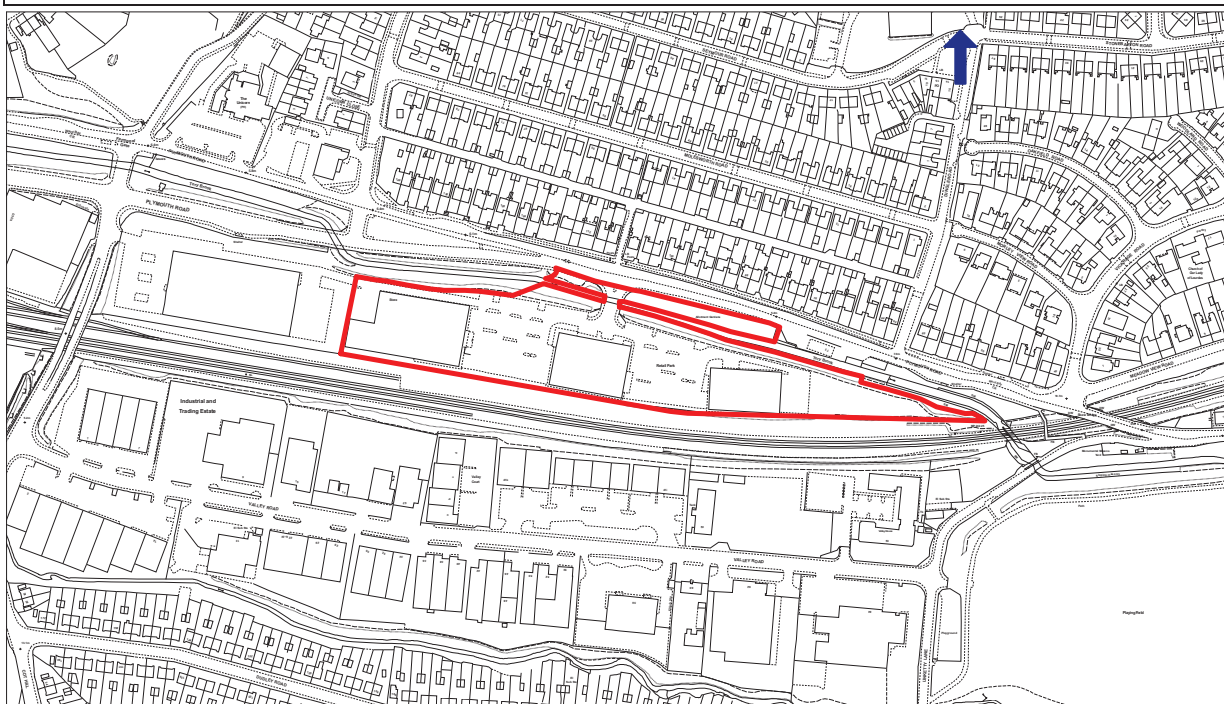
8/13 Week Date: **07/05/2013**

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Robert Heard

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



Update

This application was deferred at the previous committee for further consideration of the following transport and highways issues:

- For the applicant to investigate alternative highway solutions for Heavy Goods Vehicles (HGVs) exiting the site including opportunities to use Plymouth Road and a mini roundabout at the junction of Cot Hill and Merafield Road.
- Improved cycling provisions on east bound side of Plymouth Road.
- Amendments to Condition 17 (Loading and Unloading Provision) to prioritise exit onto Plymouth Road
- The potential of conditioning the applicant to undertake traffic monitoring.

Following negotiations with the applicants, it has been confirmed that:

- The applicant has agreed to fund the provision of a mini roundabout at the top of Cot Hill, at the junction with Merafield Road. This will be secured by condition 13 (which has been amended) and a Section 278 Agreement. Whilst the applicant has investigated the possibility of undertaking the approved new access onto Plymouth Road on the adjacent former Megabowl site, due to this site being in different ownership to the application site the applicant is not able to secure or deliver the proposed new access onto Plymouth Road. However the applicant has agreed to use it as soon as its been implemented in place of the existing access onto Cot Hill. This is secured by condition 17, which has been amended.
- Whilst there isn't room within the existing highway to provide a separate cycle lane on the east bound side of Plymouth Road, through the 278 Agreement Officers will ensure that lane widths will be as wide as possible to assist cyclists.
- As stated above, condition 17 has now been amended and secures the use of an alternative exit onto Plymouth Road as soon as the adjacent (former Megabowl) site is redeveloped.
- Circular 11/95 (Use of conditions in planning permission) states that conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be; 1. Necessary; 2. Relevant to planning; 3. Relevant to the development to be permitted; 3. Enforceable; 4. Precise and 5. Reasonable in all other aspects. Officers are concerned that the additional condition proposed would not meet the tests as set out above. However, it has been included at the request of Councillor Nicholson and is attached as condition 29 (Traffic Monitoring).

Further to the above, the applicant has requested that condition 10 be amended so that deliveries can take place at the site on Sundays and on Bank Holidays. It is therefore proposed to amend condition 10 so that deliveries can be taken at the site between 9am and 6pm on Sundays and Bank Holidays. This is normal practice at other supermarkets within the city on Sundays and Bank Holidays and is supported by the Councils Public Protection Service. Delivery times were not part of the public consultation process like the opening hours and are normally agreed by condition.

The report below is the original officer's report, with conditions amended and added as described above.

1.0 Site Description

- 1.1 Errill Retail Park is situated on the southern side of Plymouth Road roughly half way between Marsh Mills and the commercial centre of Plympton. The retail park is accessed directly off Plymouth Road and is sandwiched between the Tory Brook, at the front of the site, and the main railway line at the rear. This application affects the whole site and therefore all 3 existing retail warehouse units, of which only one (unit 3) is currently occupied (Buyology).
- 1.2 The site is 2.4 hectares in size and is generally in an untidy state, with all 3 existing units currently being in poor condition. The character of the surrounding areas is mixed, there is residential development to the north and east of the site and commercial and industrial development to the south and west. The Ridgeway shopping centre is approximately 1km to the east.

2.0 Proposal Description

- 2.1 It is proposed to demolish all 3 of the existing retail warehouses and erect a new Morrisons Supermarket, with associated petrol filling station, car parking, cycle parking and improved landscaping.
- 2.2 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.
- 2.3 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 22 motorcycle spaces.

- 2.4 The customer vehicular access/egress to the site would be via the existing access on Plymouth Road but with upgrades to signalise it and create an all movements junction. Service access to the warehouse of the Morrisons store would be from the existing service road in front of the former Megabowl unit to the west of the site.
- 2.5 Pedestrian access to the site will be improved by the proposed construction of a new footbridge over the Tory Brook adjacent to the existing vehicular access on Plymouth Road. The new signalised junction would have a controlled pedestrian crossing across the site access and a section of the footway on the southern side of Plymouth Road would be widened by 2 metres.
- 2.6 A new landscaping scheme is proposed and would deliver new planting within the customer car park, a new hedge along the full length of the southern boundary of the site and additional tree planting to the northern boundary.
- 2.7 A new customer car park occupies the centre of the site with the proposed petrol filling station being located at the eastern end of the site. The existing access point remains although it is proposed to be improved.

3.0 Pre-Application Enquiry

MA/296/PRE – New retail store and petrol filling.

4.0 Relevant Planning History

11/00564/FUL - Renewal of planning permission 08/00656/FUL for refurbishment works, including reconfiguration to form 2 retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage. PERMITTED.

10/00278/PRD – Complete works for refurbishment and extension to retail units with associated improvements, subject to planning permission 03/01773, with no restriction on the sale of goods. CERTIFICATE ISSUED.

10/00277/PRD – Complete works for refurbishment works including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancements of external areas with works to trees subject to planning permission 056/0220, with no restriction on the sale of goods. CERTIFICATE ISSUED.

08/00656/FUL - Refurbishment works, including reconfiguration to form two retail units, amendments to external appearance of building and installation of mezzanine floor for retail sales and ancillary storage - GRANTED

07/00148/FUL - Installation of mezzanine floors in units 2A and 2B for retail sales and ancillary storage - GRANTED

05/02220/FUL - Refurbishment works, including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancement of external areas with works to trees - GRANTED

03/01773/FUL - Refurbishment and extension to retail units with associated improvements - GRANTED

97/01133/ADV - Illuminated signs at site entrance - GRANTED

5.0 Consultation Responses

Environment Agency

Support subject to conditions.

Highway Authority

Support subject to conditions.

Public Protection Service

Support subject to conditions.

6.0 Representations

305 letters of support received, issues raised are:

- Increased employment and income into the area
- Improvement in landscaping and public realm
- Increase competition for local stores
- New road layout will improve local highway network

30 letters of objection received on the following grounds:

- Increase in traffic
- Plymouth Road more dangerous for cyclists
- Potential loss of small shops
- Significant impact upon Plympton Ridgeway District Centre

The issues raised above are discussed in detail below in the main analysis section of this report.

7.0 Analysis

7.1 This application raises a number of key planning issues: the principle of the development and retail impact; design and layout matters; public protection issues and residential amenity; transport; nature conservation (impact on ecology and protected species); impact upon trees and landscaping and renewable energy. The planning history of the site is also an important issue and this is outlined below, followed by consideration of the other planning issues referred to above.

7.2 Planning History

- 7.2.1 The site has a complex planning history. Since the 3 existing units were first granted planning permission in the 1980s various planning applications and lawful development certificates have been granted at the site. These are listed in chronological order above in the planning history section of this report. The significance of these applications and the impact they have upon the use and appearance of the site is explained in more detail below.
- 7.2.2 The first applications granted at the site were an outline reference 82/33343 and a full application reference 84/0916. These applications granted permission for the erection of 3 non-food retail units. Conditions were imposed on both applications that prevented food sales and restricted retailing to bulky goods products only. Since these original permissions were granted an application was granted under reference 03/01773/FUL which sought to sub divide unit 1 to form two units, sub divide unit 2 to form two units and to extend unit 3 by adding 604 square metres. No condition was imposed on this application to restrict the sale of food goods and therefore an unrestricted retail use was granted at the site for all 3 buildings. A technical start has been made to secure this permission.
- 7.2.3 In February 2006 a further application was granted under reference 05/02220/FUL for refurbishment works, including reconfiguration of Unit 2 to form two retail units, amendments to the external appearance of the buildings and enhancement of external areas with works to trees. Most of the alterations proposed within this application affect unit 2. A technical start has been made to secure this permission.
- 7.2.4 Permission was also granted in 2007 under reference 07/00148/FUL to install mezzanine floorspace in Units 2A (760 sq m) and 2B (800sq m). The total proposed additional floorspace amounted to 1560 sq m; however only 200sq m was proposed for retail shopping floorspace, the remaining was proposed for storage purposes.
- 7.2.5 In 2008, under reference 08/00656/FUL, planning permission was granted for refurbishment works to unit 2 including reconfiguration to form 2 units, amendments to the external appearance of the building and installation of a mezzanine floor for retail sales and ancillary storage. This unimplemented permission was renewed in June 2011 under reference 11/00564/FUL.
- 7.2.6 In April 2010, under reference 10/00278/PDRE a Lawful Development Certificate (LDC) was issued which confirms that evidence has been provided to demonstrate that work on permission 03/01773/FUL has started. This secures this permission. The LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.
- 7.2.7 A further LDC was issued in April 2010 under reference 10/00277/PDRE which confirms that sufficient evidence has been provided to demonstrate

that work on planning permission 05/0220/FUL has started. This secures the permission. As above, the LDC also confirms that a new chapter in the planning history of the site has begun and that the original consents for non-food retail no longer apply.

- 7.2.8 In summary, following the issue of the LDCs and planning permissions referred to above, the site is not constrained by any restrictive planning conditions that prevent the sale of food retailing at the site. All of the units also benefit from secured permissions that allow their extension and alteration which would significantly improve their appearance. This is considered to be the applicant's fall back position should this application not be approved, and it is a material consideration when considering the retail impacts and other planning implications of the proposed development.

7.3 Retail Impact

- 7.3.1 The application proposes demolition of all 3 existing units at the site and the construction of a Morrisons food store of 5,364 square metres gross (2,718 sq.m net) floor space; a customer car park of 250 car parking spaces; a petrol filling station and upgrading of the existing retail park access with improvements to the existing signalised junctions.
- 7.3.2 According to the applicant's Retail Impact Assessment (RIA), of the retail floor area of the proposed foodstore, 80% would be dedicated to convenience goods sales and 20% to comparison goods sales, giving a convenience sales area of 2,174 sq., and a comparison sales area of 544 sq.m.
- 7.3.3 The site is not within a defined centre and is therefore considered to be out of centre for the purposes of any assessment against retail planning policy. The most recent planning policy advice on retail development is contained within the National Planning Policy Framework (NPPF), which sets out in paragraph 24 its sequential approach to retail development, requiring demonstration by the applicant that there are no town centre or edge of centre sites available and suitable for the proposed development. The sequential approach to site selection is also confirmed in Policy CS08 (Retail Development Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which states that developments outside of existing centres must also meet a proven need and be accessible by a choice of means of transport.
- 7.3.4 The Councils retail policy evidence base comprises of The Plymouth Retail and Centres Study (2012). This shows that the Plympton area has a low rate of retention of locally generated convenience expenditure compared to other parts of the City, as it is not currently provided with a large foodstore for the weekly bulk food shopping trip. It also shows that a number of the closest existing foodstores to the area are overtrading and that the main foodstores in Plympton are small in size with limited capacity to extend.

7.4 Sequential Test

- 7.4.1 Despite the applicant's fallback position, for completeness, it is considered necessary to assess the application in accordance with the sequential test outlined within paragraph 25 of the NPPF. As stated, the location of the site is out of centre and not within or adjacent to an existing local or district centre. The applicant is therefore required to consider other sites as part of the sequential test approach. The applicant's RIA considers the impact of the proposed development on potential future District Centres at Weston Mill and Derriford as well as the existing Ridgeway District Centre in Plympton.
- 7.4.2 The District Centre proposed in the Core Strategy at Weston Mill (Policy CS07 Plymouth Retail Hierarchy) is intended to serve the west of the city. It is proposed to be anchored by a medium sized foodstore with complementary comparison goods shopping as part of a mixed use centre with education, leisure, community and residential uses. Medium sized foodstores are typically 1,500 – 2,000 sq.m net. The applicant's RIA states that *'the need that the subject application aims to fulfil is for a large foodstore of around 2,700 sq.m net to address convenience expenditure leakage in the Plympton area, which is on the opposite side of the city'*. The conclusion reached is that a medium sized foodstore located at Weston Mill would fail to address the low retention of main food expenditure within the Plympton area as it would serve a different catchment area and would be considerably smaller and less attractive than other existing out of town food stores that are closer to the site than Weston Mill. Officers agree with this conclusion that Weston Mill is not an appropriate alternative site when applying the sequential test criteria to alternative site selection, as it would serve a different catchment area to a store located in Plympton. It should also be noted that at present no site has been identified for a new District Centre in Weston Mill.
- 7.4.3 A District Centre is also proposed at Derriford (Policy CS07 Plymouth Retail Hierarchy) to provide a hub for the north of the city. It includes provision for a major foodstore and complimentary comparison goods shopping, residential, office, leisure and food and drink uses. Large foodstores typically have a net convenience sales area in excess of 2, 500 sq.m. Although a site is likely to become available at Derriford and the scale of the convenience retail offer is broadly similar to that proposed within this application, a site at Derriford is not considered an appropriate alternative location. The main reason for this is that the new District Centre at Derriford is proposed to meet the needs of people living in the north of Plymouth, where as the proposed development seeks to address the requirement for an improved main food offer within Plympton, in the east of the city. In their RIA, the applicant states that the *'proposals relate to different catchments, and a foodstore located at Derriford would not provide any real benefit to Plympton residents in respect of choice, or a reduction in the need to travel. Indeed, it would simply reinforce the point that Plympton, a dense neighbourhood of around 30,000 persons, is one of the few remaining areas of Plymouth that does not benefit from a conveniently located main foodstore offer.'* Officers agree with the applicant's conclusions that a new foodstore at Derriford would not meet the shopping

needs of residents living in Plympton when applying the sequential test, as it would serve a different catchment area..

7.4.4 The nearest existing District Centre to the site is the Ridgeway Shopping Centre in Plympton, which is located approximately 0.75 miles to the east of the site. The applicant's RIA states that results of recent surveys show that the primary catchment area of the proposed Morrisons store would be Plympton, with only modest amounts of trade being derived from the surrounding areas. The RIA therefore focuses the search for alternative sites on Plympton Ridgeway, which is the main shopping centre serving the Plympton area. Officers agree that this is an appropriate approach given the low expenditure retention rate in Plympton confirmed by the 2012 Plymouth Retail Study.

7.4.5 The sites identified by the applicants as being potentially suitable locations for a new foodstore at the Ridgeway are as follows:

- Site 1 – car park adjacent to Co-op supermarket;
- Site 2 – Mudge Way car parks;
- Site 3 – Plympton Ridgeway car park.

7.4.6 Site 1 comprises a small surface car park of 33 spaces located on the western side of the Co-op store. It measures 0.076 hectares in size and is within the boundary of the District Centre. The site is not considered suitable by virtue of its size as it's not large enough to accommodate a large format foodstore. Whilst it is capable of providing a modest extension of the Co-op store, this would still not result in a large store that is considered necessary to meet the main food shopping demands of the population of Plympton. It would also result in the loss of the only parking facility located adjacent to the Co-op store. Whilst the Co-op has been trading at its current location for a considerable period of time, there have been no attempts to extend the store. Whilst the Co-op store at Plympton Ridgeway is larger than the group's average, it is too small to compete with other large foodstores in Plymouth for the weekly bulk food shopping needs of Plympton residents. Officers also note that the Co-op group specialises in convenience rather than main food shopping, and significant areas with the Plympton Ridgeway store are currently set aside for the sale of non food goods.

7.4.7 Site 2 comprises the two public car parks to the rear of the existing St Stephens Place development off Mudge Way. Together the two car parks provide 259 car parking spaces. This site is within the boundary of the District Centre and measures 0.56 hectares in size. Whilst these sites are larger than Site 1, neither is large enough to accommodate the proposed development. The car parks also provide parking for users of the District Centre and recent surveys show that it has high occupancy levels. The site is thus not considered appropriate for the development of a food store as it is not suitable or available, due to its limited size and role in providing parking for shoppers.

- 7.4.8 Site 3 comprises a public car park of 133 spaces on the northern side of Plympton District Centre. It measures 0.4 hectares in size and is within the defined District Centre boundary. However, this site is also too small to accommodate the proposal. Any development at this site would also have significant impacts upon the adjacent health centre and be restricted by existing residential development close to the northern boundary of the site. As with the other 2 sites, the car park is well used and the site is unlikely to become available. The site is thus considered inappropriate for the development of a foodstore.
- 7.4.9 Officers agree that the assessment of alternative sites above demonstrates that there are no alternative sites that are suitable or available for the proposed development of a large foodstore. The application site is therefore considered to be the most appropriate location to meet the needs that the proposed development seeks to fulfil. Whilst the site is out of centre, it is an established retail destination located centrally within Plympton on a key transport corridor with good public transport links and a frequent bus service. The application is therefore considered by officers to be in accordance with both national and local retail policy and satisfies the sequential test assessment required by Policy CS08 (Retail Development Considerations) of the Core Strategy and paragraph 24 of the NPPF.

7.5 Impact Assessment

- 7.5.1 The NPPF, in paragraph 26, requires Local Planning Authorities to undertake an impact assessment where the proposed development is over £2,500 sq. m of floorspace, outside of the Town Centre and not in accordance with an up to date Local Plan.
- 7.5.2 The applicant's RIA assesses the proposed developments impact upon proposed and existing centres. The 3 proposed centres identified are Derriford, Weston Mill and Plymstock Quarry. As explained above in the Sequential Test section of this report, due to location and different shopping needs, the proposed development would not have an impact upon either the proposed District Centre at Weston Mill or Derriford. These centres will serve different catchment areas than a store located in Plympton.
- 7.5.3 The planned retail investment at Plymstock Quarry is for a new mixed use local centre that will include a supermarket of 2,000 sq. m gross. This local centre is intended to meet the needs of a new neighbourhood of approximately 1700 new homes at North Plymstock and would be located on the opposite side of the road to the existing Morrisons store in Plymstock. The new Local Centre and associated food store is proposed to meet the needs of the new community being created at Plymstock Quarry and not a wider shopping need, confirmed in Policy NP01 of the North Plymstock Area Action Plan. Any new foodstore likely to come forward at Plymstock Quarry would be primarily for 'top up' shopping. For this reason, it is considered that the proposed development would not have an adverse impact upon the planned investment at Plymstock Quarry.

- 7.5.4 The closest existing District Centre to the site is Plympton Ridgeway, which is situated approximately 1km to the east of the site and located within the primary catchment area of the proposed Morrisons store. However, according to the NMES household shopping survey undertaken in September 2011, only a very small proportion of residents in the Plympton area (7%) are using the existing Co-op (5%) and Iceland (2%) at Plympton Ridgeway for their weekly shopping trip. Instead, the survey indicates that these facilities are mainly used for top up shopping, and most trips for main food shopping are already taking place within large foodstores outside of the Plympton area.
- 7.5.5 The proposed foodstore that is the subject of this application would be geared towards weekly bulk food shopping and there is no reason why it would significantly affect the performance or attractiveness of existing shops located within Plympton Ridgeway, which is a healthy centre that has performed well in recent years compared to other centres in Plymouth. In officer's opinions, the proposed development would not compete directly with the top up orientated food shopping role of the District Centre. The proposed foodstore would primarily compete with existing large stores where most main food shopping expenditure is leaking to – the Sainsburys at Marsh Mills and Tesco at Lee Mill, both of which are out of centre facilities that have no protection in terms of planning policy.
- 7.5.6 In relation to potential impacts upon Plymstock District Centre, similar issues apply. The District Centre, known as the Broadway, is not underpinned by a foodstore orientated towards main food shopping needs, and thus the proposed Morrisons foodstore would not compete directly with it.
- 7.5.7 Regarding Estover District Centre, the main shopping facility within this Centre is the existing Asda at Leypark Drive. This performs a main shopping role, and therefore there would be a modest level of trade diversion arising from the proposed development. However, the 2011 NMES study shows that the convenience element of this store is overtrading by a significant amount (circa £15m) and therefore the viability of Asda would not be threatened. Furthermore, the Asda store has a significant non food offer (Pharmacy, Post Office) and thus trade clawed back to the Plympton area by the proposed Morrisons store could result in spin off trade that would benefit similar services and non food shops currently being provided in Plympton Ridgeway District Centre.
- 7.5.8 In summary, it is considered that the existing foodstores within Plympton Ridgeway (namely Co-op and Iceland) are not meeting consumers main food shopping needs, and the result is that a significant proportion of people living in Plympton are travelling to stores outside of the area such as Tesco at Lee Mill, Sainsburys at Marsh Mills and Asda at Estover to undertake their main weekly food shop. Officers agree that residents in Plympton do not currently have the choice of using a large modern foodstore in their neighbourhood and this has resulted in shopping trips that are longer than necessary. It is considered by officers that the proposed development would be in accordance with paragraph 26 of the NPPF as there is no evidence that the application would have a significant impact on existing, committed and

planned public and private investment in a centre or centres in the catchment area of the proposal and there is no evidence that it would give rise to significant impacts upon the vitality or viability of defined centres, taking into account the trade diversion implications of the proposed foodstore. It is considered that the application is compliant with policy CS08 (Retail Development Considerations) of the Core Strategy as there is evidence of a qualitative need for a large foodstore in Plympton and the proposal would not have a significant impact upon surrounding District and Local Centres.

7.6 Fallback Position

- 7.6.1 As explained in the planning history section of the main Analysis part of this report, the applicants benefit from a fallback position that has been established by Lawful Development Certificates issued by the Council under references 10/00278/PDRE and 10/00277/PDRE and previous extant planning applications reference 11/00564/FUL and 07/00148/FUL.
- 7.6.2 The effect of these LDCs and extant planning permissions is to confirm that the site is not restricted in terms of the range of goods that can be sold from all 3 existing units and to secure improvements and extensions to the existing units to improve their external appearance, sub divide them (if required) and extend their floorspace by the provision of mezzanine floors. The outcome of this is that the maximum number of units at the site in future could be 6, although the consents referred to above allow for a mix of different sized units as the applicant would not be required to sub divide all of the units if they felt that was not appropriate. Similarly, not all units have to be kept if the applicant felt that the site would be more attractive to retailers with just 2 units and not 3 as is the existing situation.
- 7.6.3 In order to present a realistic fallback situation, in their RIA the applicant has compared 3 different scenarios that could occur at the site if this application is unsuccessful. The scenarios compared are as follows:
- Scenario 1 - 6 units used for unrestricted non food retail;
 - Scenario 2 - Morrisons in Unit 1 and unrestricted non-food retail in Unit 3;
 - Scenario 3 - Morrisons in Unit 1 and a discount food use in Unit 3.
- 7.6.4 In scenario 1, six unrestricted retail units would provide 7,032 sq. m of retail floorspace. In scenario 2, Morrisons would convert the largest unit at the site (Unit 10) to a foodstore. Additional car parking would be provided by the demolition of Unit 2 and Unit 3 would be utilised for 2 unrestricted retail units with mezzanines. The total potential retail floorspace that could be provided under this scenario is 3,883 sq.m. Scenario 3 would be identical to scenario 2 but Unit 3 would be utilised for food retail purposes rather than non food floorspace. Use of Unit 3 by a discount food retailer is a possibility as stores such as Aldi and Lidl often choose locations next to mainstream foodstores. The applicants have provided a plan showing in detail how Unit 1 would be converted to a Morrisons store as part of Scenarios 2 and 3.

7.6.5 The fallback scenarios outlined above show that there are a number of outcomes that could take place at Errill Retail Park without the need for any further planning permissions to be obtained. The previous permissions and LDCs provide for significant improvements to the appearance of the retail units and flexibility about the range of goods that can be sold. The 3 scenarios that have been outlined above would deliver a much greater amount of gross retail floorspace than is proposed within this application. The application therefore presents an opportunity to reduce the built footprint of development on the site and reduce the amount of retail floorspace at Errill Retail Park, the use of which cannot be controlled. It also presents an opportunity to improve the existing access/egress arrangements, to control deliveries and hours of operation and to seek improvements to the local highway network so that it does not become congested. The granting of a new application at the site would also start a new chapter in the planning history of the site and the implementation of the scheme would supersede the existing LDCs and secured permissions, meaning that the fallback position would no longer be extant or relevant to the degree that is now.

7.7 Design and Layout

7.7.1 The proposed foodstore will be located at the west end of the site, roughly in the same location as the existing Buyology unit. It would measure 110 metres long by 55 metres wide and would comprise a sales floor, café, food preparation areas and a warehouse. First floor accommodation includes staff offices and amenities, plant and storage. The building is orientated so that the main entrance would be at the north eastern corner overlooking the public car park, with the service yard on the western side.

7.7.2 The proposed four island petrol filling station is positioned at the eastern corner of the site, in a similar position to the former Allied Carpet unit (unit 3). The 250 space customer car park occupies the centre of the site and comprises of 217 standard spaces, 20 disabled parking bays, 13 parent and toddler spaces and 20 motorcycle spaces.

7.7.3 The building is located on the site so that there is maximum visual screening from the residential properties to the north, due to the existence of a natural screen of mature trees along the south side of the Tory Brook adjacent to the proposed store. The building height is lower than the tree line and the proposed supermarket will not impose itself on the natural view when seen from the residential area to the north.

- 7.7.4 The position of the building on the site makes maximum use of the existing access; long stacking lanes mean that it is unlikely that the internal road network will become congested. The buildings location also takes into account site screening from the surrounding areas, passive solar gains and views, whilst respecting the constraints of the adjacent main railway line. The café is positioned so that maximum overlooking and natural surveillance will be provided to the area to the north of the building alongside the Tory Brook, where dog walkers and pedestrians often pass. The site plan has been developed so that pedestrian and vehicular movements are segregated in order to provide a pedestrian friendly environment.
- 7.7.5 The design of the building responds to the immediate surrounding context. The main entrance and front elevation face the car park. The entrance is positioned on the north east corner of the building and expressed by a double height curved volume of curtain walling with curved Reglit glass panels, acting as a focal point to the building. The profile cuts back on plan towards the main building funnelling users to the main entrance doors. An elegant overhang of the roof form acts as a protective canopy to shield customers from the elements. Officers consider that this provides a clearly legible and elegant main entrance point. The rest of the front (east) elevation has a mix of glazing, composite insulated cladding panels and slate panelling. There is a strip of clerestory (high level) glazing to give the roof a floating appearance. The slate panels are mainly used at low level to provide what officers consider is a high quality yet robust finish with composite cladding panels above to provide a contrast in texture and appearance to the slate.
- 7.7.6 A similar materials palate is proposed for the north elevation, which has generous levels of glazing at ground floor level to provide overlooking of the Tory Brook and introduce visually permeable sections to this elevation so that there is natural surveillance of public areas within the site, in accordance with the principles of secured by design. Ribbon windows are located at first floor level to provide natural daylight to staff facilities and further natural surveillance of the site.
- 7.7.7 The south elevation is not visible from any of the surrounding areas and is directly adjacent to the main railway line. A robust engineering brick is proposed at low level for this elevation with insulated composite cladding panels above which officers consider will not cause a distraction to the railway line. The treatment of the warehouse elevation (west) is similar and as this is the service side of the building openings are kept to a minimum as this elevation is the rear and will be well screened by planting.
- 7.7.8 The proposed petrol filling station is located at the opposite end (east) of the site to the superstore, and will be well screened from the surroundings by existing trees and shrubbery. The internal road network has been designed so that there is the potential for stacking by vehicles waiting to use the petrol filling station.

- 7.7.9 The proposed development includes landscaping enhancements with additional tree planting and soft landscaping introduced at the site in order to improve its appearance and enhance biodiversity. This is in accordance with Policy CS09 (Marsh Mills Retail Parks) of the Core Strategy which states that the Council will take into account the potential for proposals to enhance recognised shortcomings in the provision at Marsh Mills. These include the appearance of the parks, landscaping, access and egress and accessibility by modes of transport other than the car. Errill Retail Park is considered as one of the Marsh Mills retail parks despite its location in Plympton.
- 7.7.10 It is considered by officers that the proposed development would contribute positively to the area's identity and appearance, be easy to get to and move through and around, provide enhanced landscaping and contribute positively to the attractiveness of the local area. The design of the building is considered acceptable and the proposed materials palette helps to break up the massing of the elevations, introducing contemporary materials whilst ensuring compatibility with the existing townscape and local context.
- 7.7.11 In summary, it is considered that the application will provide a positive addition to the appearance of the area and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

7.8 Public Protection Issues

- 7.8.1 The site currently has an unrestricted retail use and has also been previously occupied by bulky goods retailers. It is well screened from the nearest surrounding residential development by a dense band of mature trees and planting along its northern boundary. The nearest residential properties to the site, those located to the north on Plymouth Road, are a significant distance from the site and separated from it by a busy classified road. It is thus considered that the application would not have a significant impact upon the residential amenities of the existing properties on Plymouth Road, and that it is not contrary to Policy CS34 (Planning Application Consideration) of the Core Strategy, when considering residential amenity standards.
- 7.8.2 The Council's Public Protection Service (PPS) has been consulted and has raised concerns regarding noise, and is aware of current noise problems on other supermarket sites in the city. In order to mitigate any potential noise impacts arising from the development, the PPS has recommended that conditions are attached to any grant of planning permission in order to mitigate any noise impacts arising from the development.

7.9 Highways Issues

7.9.1 With regards specifically to highways issues, the application proposes a new signalised junction with minor changes to the highway network, 250 car parking spaces (13 parent and child, 20 disabled) and 22 motorcycle spaces. In order to encourage staff to cycle and walk to the store the store will provide cycle stands, showers, changing facilities and lockers.

7.10 Pedestrian Access

7.10.1 The fronting footways along Plymouth Road are considered to be of a satisfactory standard to serve safe pedestrian movements at the older 1.8 metre standard width, although currently there is some overgrowth along the rear of the footway.

7.10.2 The application proposes to construct a new pedestrian footbridge over the Tory Brook, adjacent to the existing bridge deck. It is considered that the position of the application site on the south side of Plymouth Road does not encourage people to walk to the proposed supermarket, as Plymouth Road itself forms a barrier between the application site and the nearest residential conurbation to the north of Plymouth Road. Equally, though, it is accepted that pedestrian trips to supermarkets tend to be quite low, and the vast majority would arrive by car.

7.11 Vehicle access and Highway Alterations

7.11.1 The customer access and egress to the supermarket and the petrol filling station would be via the existing (currently restricted movement priority) ramped junction over the Tory Brook onto the Classified B3416 Plymouth Road. Plymouth Road is a strategic movement corridor, and right turns out of the application site are currently banned for reasons of highway safety, and apparently in view of a previous related accident occurring there. The application proposes to put (all-movement) traffic signals at this road junction to serve the supermarket use.

7.11.2 The access/egress over the Tory Brook is by a raised bridge deck with a short ramp up from the carriageway on Plymouth Road, the gradient of the ramp acts to naturally slow down the smooth and convenient flow of vehicles into and out of the application site, which would slightly reduce the capacity of any traffic signals there. The applicant had considered making adjustments to the level of the carriageway on Plymouth Road to reduce the gradient of the ramp, but has subsequently considered that the extent of the required work would by comparison give little efficiency gains.

- 7.11.3 To help to allow additional traffic movements and delays associated with the proposed new Morrisons supermarket use and the signalised junction, the application seeks to slightly extend the dual traffic lanes on Plymouth Road, as shown on the submitted application drawings, with a view to gaining a small improvement in capacity. The application drawings indicate 3 metre wide traffic lanes, which would be the minimum acceptable width on the Classified Plymouth Road.
- 7.11.4 The proposed new signalised junction has been progressed on the strict understanding that any and all associated traffic signal controls and equipment would be accommodated within the Highway Maintainable at Public Expense (public highway).

7.12 Deliveries and Servicing

- 7.12.1 Unlike the existing Retail Park, where servicing and deliveries are via the Plymouth Road entrance/exit, the proposed larger Morrisons supermarket building would build-over the existing service road that currently runs along the north side of the existing 'Buyology' building. And thereafter all deliveries and servicing of the Morrison's store would be through the adjacent (to the west) currently vacant ex bowling- alley site, and via its junction onto the road network at Cot Hill.
- 7.12.2 It is understood that the access/egress through the adjacent site to Cot Hill was closed off to traffic following the closure of the bowling-alley, although the application site has access rights there. The adjacent bowling-alley use has long since discontinued and the site now has an existing permission (11/01492/FUL) for sub-division to accommodate non-food retail and warehousing/storage. The situation regarding the access and egress at the adjacent ex bowling alley site was noted during the pre-application process, and is acknowledged in the application details.
- 7.12.3 Some highway alterations are likely to be required on Cot Hill to ensure safe entry and exit by delivery lorries. These alterations will be informed by wheel tracking plans that are required by condition. In particular setting-back the footway and extending the central reservation will be required. Such requirements will form part of any off-site highway works and be subject of a Section 278 highway agreement.
- 7.12.4 The application details indicate that the gates at the Cot Hill entrance into the adjacent site will need to be set back, so a lorry could stand and wait for the gates to be opened without obstructing Cot Hill. Alternatively the gates might need to be opened at certain times to allow unhindered entry by delivery and service vehicles. The details of how this might be achieved and managed (including whether the position of the gates could be altered) are required as part of a Delivery and Servicing Management Plan, secured by planning condition. The proposed Morrisons petrol filling station would be serviced via the altered Plymouth Road junction, where wheel tracking plans indicate that turning movements for tankers would be quite tight with little room for error.

7.13 Customer Car Parking

- 7.13.1 Car parking standards are expressed in the Development Guidelines Supplementary Planning Document (SPD). It provides guidance on the level of parking for cycles, cars, and disabled badge holders. The parking guidance indicates that generally for a food store of this size the expectation would be one parking space per 14 square metres of gross floor, although the number of parking spaces might be reduced in consideration of the level of accessibility of the application site. The application site would be expected to provide a maximum of 383 parking spaces, which when discounted by 35% for accessibility, equates to approximately 250 parking spaces, as proposed. Therefore officers consider that the car parking provision is just acceptable, according to Council guidance.
- 7.13.2 The length of the access road between the entrance and the filling station would be approximately 125 metres, and a further 25 metres to the first car parking spaces. This would provide a good length of road to allow for queuing whilst entering and leaving the supermarket. It is recommended that Double Yellow lines be put down along the length of the private access road as a visual deterrent to help prevent inappropriate parking there, and to assist the free flow of traffic within the site, including the tankers supplying the proposed Filling Station.

7.14 Traffic Generation and Trips

- 7.14.1 The application indicates that the vast majority of customers to the Morrisons supermarket would be expected to come from the Plympton area itself and arrive by car, which is generally the case with a supermarket use. The petrol filling station would of course be expected to generate and attract additional traffic and customers to the application site on its own account, separate and in addition to the food-store customers.
- 7.14.2 Plymouth Road is the main movement corridor and arterial route for local traffic serving the suburban district of Plympton, and providing the main road link to Marsh Mills interchange and the A38, the City Centre and beyond. Plymouth Road is already a busy road that at times becomes congested. The site entrance is situated on a section of the road where there are numerous junctions, with three existing linked sets of signalised junctions close to each other; along with a signal controlled pedestrian crossing point to the east.
- 7.14.3 The junction at the site access would be re-designed to accommodate the proposed traffic signal layout. The capacity and efficiency of the junction would be maximised by the extended two-lane layout, and also electronically by linking the proposed new signalised junction to the existing junction network controls and up-grading all with new microprocessors. The traffic modelling work undertaken suggests that the proposed alterations on the highway network would be sufficient to manage the increased traffic generated by the proposed supermarket and filling station on an average day.

7.15 Fall back Scenario

7.15.1 The application suggests that it would be appropriate to consider potential alternative options for the use of the application site, which the application refers to as the Fall Back Position. The details of the fallback position are explained above in the Retail Impact section of this report. It describes three potential alternative scenarios with the re-use of existing up-graded buildings at the site, in consideration of the extant permissions and the associated certificates of lawful use. The fall back options would not be required to implement traffic signals at the junction of Plymouth Road. The lawful use certificates do therefore not take account of the highway and transport impact of the open food sales use established by the issuing of the LDCs previously referred to and could therefore have a negative impact upon the surrounding highway network.

7.16 Conclusion

7.16.1 The applicant entered into pre-application discussions with the Council prior to submitting this application, and the applicant has sought to demonstrate (within the scope of reasonable highway alterations and the proposed traffic signal function) that the expected average daily traffic increase could be accommodated without causing significant congestion on Plymouth Road.

7.16.2 Due to the level of traffic that uses Plymouth Road and the complexities of the traffic signal arrangements and traffic modelling, coming to a view on the impact of this proposal on the road network has not been a straight forward matter. However it is considered by officers that the proposed supermarket development, purely from a Transport perspective, is on balance acceptable, subject to conditions to secure details and necessary mitigation.

7.16.3 The applicant will also be required to enter into a Section 278 Agreement with the Local highway Authority in order to undertake the associated off-site highway works which would be subject of further auditing

7.17 Trees

7.17.1 The site is subject to Tree Preservation Order No.330. The application proposes that approximately 40 protected trees will be lost internally within the site, mainly category 'C' specimens of Birch that currently break up the car parking of the existing site but also includes 5 category 'B' trees. However, 70 new trees are proposed in the landscape concept plan.

7.17.2 The main belt of protected trees fronting Plymouth Road and on either side of the Tory Brook are to be retained (some lie inside the application site and some outside) and in terms of public amenity these are the most important to retain. Most of the trees to be removed are less prominent due to their location within the existing car park and are not thriving due to their limited rooting areas. The new extra heavy planting proposed will compensate for their loss.

- 7.17.3 The application is therefore considered acceptable on tree grounds and compliant with Policy CS18 (Plymouths Green Space) of the Core Strategy, providing a standard tree protection condition is attached to secure and protect the existing trees at the site.

7.18 Sustainability

- 7.18.1 Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010 – 2016.
- 7.18.2 In order to meet the requirement of Policy CS20 it is proposed to have 105 kwp of solar photovoltaic panels installed on the roof of the proposed superstore. These will be almost flush with the roofline so will only have a very minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

7.19 Biodiversity

- 7.19.1 The applicants have submitted an Extended Phase I Habitat Survey Report, Biodiversity Enhancement Strategy and Ecological Protection Plan. These documents outline a strategy that retains, protects and enhances wildlife and biodiversity at the site, ensuring that a net gain in biodiversity is achieved in accordance with Policy CS19 (Wildlife) of the Core Strategy. A condition is attached in order to secure the benefits and gains outlined in the applicants Biodiversity Enhancement Strategy and Ecological Protection Plan.

7.20 Human Rights

- 7.20.1 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.

8.0 Section 106 Obligations

8.1 As already stated in this report, the site contains 3 existing retail warehouse units that benefit from extant planning permissions to be significantly upgraded, and an LDC that secures the sites use for non-restricted retail use. These consents can be implemented without the requirement for the owner to pay contributions to the Council to mitigate impacts that might arise as a consequence of any of the existing extant planning permissions being undertaken. The application also proposes a net loss in retail floorspace at the site, when comparing the proposed development with the existing situation and extant permissions. It is therefore not considered appropriate to seek planning obligations in this case. Improvements to the highway network that are referred to in the Highways section of this report will be secured by a Section 278 Agreement.

9.0 Local Finance Considerations

9.1 Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. In this case, the application does not propose housing development and will therefore not generate any New Homes Bonus contributions for the authority. Therefore the development plan and other material considerations, as set out elsewhere in the report, are the only matters to be taken into account in the determination of this application.

10.0 Equalities & Diversities issues

10.1 Officers consider that adequate provision has been made within the design and layout of the site to meet the requirements of mobility impaired visitors and an acceptable amount of disabled parking bays are proposed within the site, close to the store.

11.0 Conclusions

11.1 The proposed development will provide a supermarket in Plympton, an area that does not currently benefit from close proximity to a large foodstore and residents are thus travelling outside of the area to carry out their weekly food shop. The application will bring new employment to the area and the applicant has a commitment to employ local people.

11.2 Through the sequential test approach, the applicant has demonstrated that there will be no adverse impact from the proposal on planned or existing District Centres. The impacts of the proposal on the surrounding highway network are considered to be, on balance, acceptable and the design of the scheme is welcomed and will provide improvements in local visual amenity at the site.

- 11.3 The application is considered to comply with the aims of policies CS02, CS18, CS28, CS33, CS34 the Design SPD, Development Guidelines SPD and Planning Obligations and Affordable Housing SPD and the NPPF and it is thus recommended for approval subject to conditions.

Recommendation

In respect of the application dated **05/02/2013** and the submitted drawings (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan and accompanying Design and Access Statement, Retail Planning Statement, Landscape Design Statement, Flood Risk Assessment, Sustainable Energy Statement, Habitat Survey, Biodiversity Enhancement Strategy, Ecological Protection Plan, Travel Plan, Transport Assessment, Tree Survey and Geoenvironmental Appraisal.,it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: (PL)01+- Site Location Plan, (PL)02- Existing Site Plan, (PL)03+- Proposed Site Plan, (PL)04- Proposed GF Plan, (PL)05- Proposed FF Plan, (PL)06- Proposed Roof Plan, (PL)07- Proposed Elevations, (PL)08- Proposed Site Sections, (PL)09- PFS GA Plan and Elevations, (PL)10- Lighting and CCTV (PL)11- Trolley Shelter Details, (PL)12- Proposed Site Layout Coloured, (PL)13- Artist impression Sheet 1, (PL)14- Artist impression Sheet 2, (PL)15- Artist impression Sheet 3, (PL)16 Totem Details, 1216-11-07C Landscape Concept, 1216-11-08A Planting Plan, 1216-11-09A Planting Plan, 1216-11-10 Planting Plan.

Reason:

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

CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

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

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

(4) 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.

GROUND FLOOR LEVEL OF BUILDING

(5) No development approved by this permission shall be commenced until the ground floor level of the proposed supermarket building and petrol filling station building to 'mAOD' datum has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved level.

Reason:

To ensure the ground floor of the buildings are sufficiently elevated above the flood level in the Tory Brook, in accordance with Policy CS21 (Flood Risk) of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER DRAINAGE

(6) 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
- Details of the final drainage scheme
- 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 Policy CS21 (Flood Risk) of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(7) No development shall take place until details 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.

DETAILS AND SPECIFICATION OF MECHANICAL PLANT

(8) Prior to the commencement of development, details of the specification and design of any mechanical plant shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

NOISE LIMITS FROM MECHANICAL PLANT

(9) The noise emanating from mechanical plant shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

HOURS OF DELIVERY AND REFUSE COLLECTION

(10) No deliveries shall be taken at or dispatched from the site outside the hours of 6am until 10pm Monday - Saturday and 9am until 6pm on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies CS22 and CS34 of Plymouth City Council's Local Development Framework.

OPENING HOURS

(11) The use hereby permitted shall not be open to customers outside the following times: 2100 hours to 0800 hours Mondays to Saturdays inclusive and 1600 hours to 1000 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PEDESTRIAN/CYCLE ACCESS

(12) The building shall not be occupied until a means of access for the development has been constructed in accordance with the approved plans.

Reason:

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

DETAILS OF NEW JUNCTION

(13) No development shall take place until details of the necessary highway alterations including junctions between the proposed service roads at Cot Hill and Plymouth Road and the highway, and a mini roundabout at the junction of Cot Hill and Merafield Road have been approved in writing by the Local Planning Authority; the works shall include reasonable endeavours to maximise lane widths to assist east bound cyclists using this route; and the building shall not be occupied until those junctions and mini-roundabout improvements have been constructed in accordance with the approved details.

Reason:

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

ACCESS/HIGHWAY IMPROVEMENTS (14)

(14) The use hereby permitted shall not commence 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.

CAR PARKING PROVISION

(15) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

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

CYCLE PROVISION

(16) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 28 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOADING AND UNLOADING PROVISION

(17) Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site, and a HGV service vehicle management plan shall be submitted to and approved in writing by the Local Planning Authority, to control the access, routes and times of service vehicles attending at the site. The development shall be undertaken in accordance with the approved details. Once an alternative exit has been constructed from the adjacent site onto Plymouth Road, thereafter all lorries shall use that exit only.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) 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.

TRAVEL PLAN

(18) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of the use the occupier shall operate the approved Travel Plan.

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(19) 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; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turving, mulching and plant protection.

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

(20) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

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

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

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(22) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(24) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

© The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and 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 any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

BIODIVERSITY

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Biodiversity Enhancement Strategy and the Ecological Protection Plan (both dated March 2013) for the site.

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 the NPPF.

JAPANESE KNOTWEED

(26) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Japanese Knotweed Eradication Strategy shall be submitted for approval by the Local Planning Authority. This strategy shall be implemented in full until Japanese Knotweed is eradicated from the site.

Reason

To ensure that the application complies with the requirements of Schedule 9 of the Wildlife and Countryside Act, 1981 and with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

SUSTAINABLE RESOURCE USE

(27) 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 details of the location of the renewable energy production methods set out in the Sustainable Energy Statement by b:ssec dated 5th December 2012. 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 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 the NPPF.

ACCESS ROAD LAYOUT AND TRAFFIC LANE MARKINGS

(28) No development shall take place until the details of the access road markings, lanes layout, and lane markings (to include yellow lines) have been approved in writing by the Local Planning Authority; and the development shall not be brought into use until access road lanes layout and lane markings have been constructed and marked out in accordance with the approved details.

Reason:

To ensure that a safe and free flowing access is provided in the interest of public safety, convenience and amenity and in accordance with Policies CS28 & CS34 of the Local Development Framework Core Strategy (2006 – 2021) 2007

TRAFFIC MONITORING

(29) Following 12 months of first occupation of the development the applicant shall at his own expense undertake monitoring of highway conditions at the entrance to and within the store in order to identify what impact the store has had on congestion and queueing on the local highway network. The Applicant shall submit a monitoring report to the LPA containing the details of such monitoring and shall include details to be agreed but as a minimum details of the following:

I. Observed hourly traffic flows arriving and leaving the store observed over a continuous 7 day period such a period to be agreed in writing with the LPA.

2. Observed vehicle queueing on all approaches to the store entrance during the evening peak hours and at weekends over a 7 day period and queueing within the site period such a period to be agreed in writing with the LPA.

The monitoring report shall be submitted to the LPA within 3 months of the first anniversary of the store opening and should contain practical measures to resolve any issues raised by the monitoring in 1 and 2 above or elsewhere.

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.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

INFORMATIVE: CONDITIONAL APPROVAL (2)

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

INFORMATIVE: CODE OF PRACTICE

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

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the impact that the proposed development will have on the existing Ridgeway shopping centre, local visual amenity and the surrounding highway network, 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 (1) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS07 - Plymouth Retail Hierarchy
- CS08 - Retail Development Considerations
- CS09 - Marsh Mills Retail Parks
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 13/00481/FUL

Applicant: University of Plymouth

Description of Application: Erection of new building, arranged as 11 storey tower and 6 storey living/learning residences to provide 183 student bedspaces (within 31 cluster flats) and ancillary warden accommodation, associated communal facilities, cafeteria/exhibition space, refuse and bike store, non-residential university accommodation and new pedestrian access route with associated landscaping works.

Type of Application: Full Application

Site Address: JOHN LANE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

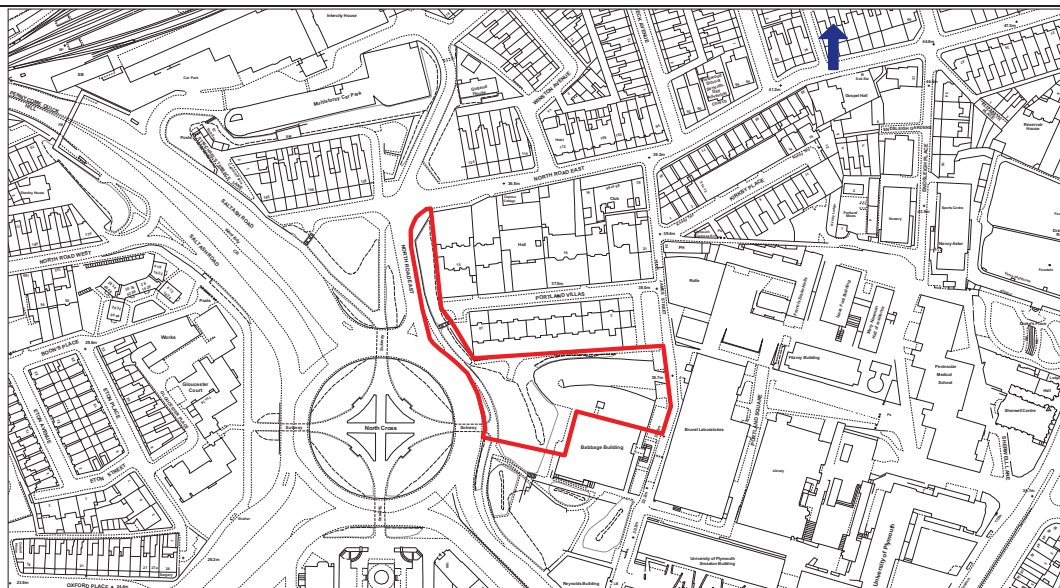
8/13 Week Date: **17/06/2013**

Decision Category: Major - more than 5 Letters of Representation received and Member Referral

Case Officer : Matt Coombe

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

Click for Application Documents: www.plymouth.gov.uk



This application has been referred to Planning Committee by Councillor Ricketts.

Site Description

The site is about 0.72 hectares in size and is located on the western boundary of the University campus to the east of the North Cross roundabout and subways. The University's Babbage Building lies to the south and the Grade II Listed Portland Villas buildings to the north. The site has a number of level changes – broadly sloping down from north to south and from east to west. The most visible part of the site is the large grassed embankment to its west. The University's car park and recycling centre accessed from James Street to the east. The historic tree-lined John Lane runs east/west along the site's north boundary. There are no existing buildings on the site.

Proposal Description

The proposal takes the form of an 11 storey tower linked to a 6 storey terrace building providing 183 student bed spaces (within 31 cluster flats), warden accommodation, communal facilities, café/exhibition space, refuse and bike store, non-residential university accommodation and a new pedestrian access route with associated landscaping works.

Pre-Application Enquiry

Planning officers had extensive pre-application meetings with the applicants and their agents (as part of the wider formal pre-application enquiry 12/02287/MAJ). Discussions were positive and officers successfully negotiated a number of improvements to the scheme including;

- i. the creation of a more elegant and slender tower structure – taller than it is wide,
- ii. improvements to the tower roof profile and modelling to create a memorable silhouette,
- iii. improvements to the tower's material palette,
- iv. the creation of a publicly accessible amphitheatre space to provide a welcoming and attractive entrance into the University campus on the approach from the North Cross subway, as well as views towards the Sound and Mount Edgcumbe from the upper terrace,
- v. the addition of doors and windows into the east elevation terrace flank wall to create an active frontage overlooking and giving natural surveillance to the site's James Street frontage,
- vi. avoidance of render (which it was considered would weather badly) on the elevations, and
- vii. upgrading the residential windows from UPVC to a higher quality aluminium system.

Relevant Planning History

The site has no relevant planning history.

Consultation Responses

Highways Authority – The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied and have addressed these concerns.

Police Architectural Liaison Officer – No objections.

Public Protection Service – No objections subject to conditions.

South West Water - No objections.

Representations

19 letters of representation have been received and 18 object to the proposal. The majority make general comments about all the concurrent University planning applications and raise the following issues:

- Too many student properties in the area already
- Affordable housing should be provided in the area rather than more student housing
- Houses in Multiple Occupation (HMOs) will lie vacant in surrounding areas and what impact will this have
- Small hotels and guesthouses have closed as a result of the University letting out their rooms during the summer months
- Loss of offices will change the nature of the campus
- Negative impact on the nature and character of the neighbourhood
- Negative impact on the amenities of neighbouring residential properties
- Noise and waste pollution
- Noise Study is not representative
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24 hour shop on campus
- Antisocial behaviour will increase e.g. car damage, graffiti, litter
- No Management Plan is in existence yet
- The density of buildings on campus is already too high
- The number of extra people in the area will lead to overcrowding
- Poor quality of life will be created for students and staff
- Parking problems will increase
- The introduction of further tall buildings may create “wind tunnels”
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people could not attend
- It was not easy to make comments and the process has not been open and transparent

One letter of support has been received which suggests that moving students on to campus will encourage existing HMOs in surrounding areas (e.g. Mutley) to be converted back in to family housing.

Analysis

1. Consideration of this application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The City Centre and University Area Action Plan (AAP) is a key consideration. The Design, Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.
2. The main planning considerations are: design; historic environment; impact on the character of the area; the standard of accommodation provided; and parking and transport issues, as detailed below.

Design

3. The principle of a tall building on the site is supported by the Core Strategy, the AAP and the Design SPD, which identify the site as being within the Tall Building Zone of Opportunity. Officers consider that a tall building in this location is also considered justifiable on the basis that it will act as an “urban marker”, widely signposting the western entryway to the University – just as the Roland Levinsky building marks the south east entryway to the campus from the City Centre. The acceptability of tall buildings also depends to a large extent on the quality of the architecture proposed. In this instance it is considered that an appropriate quality has been achieved - various improvements have been negotiated to the tower through the pre-application stage – leading to a form that is more slender and elegant in proportion, with a more memorable profile and a higher quality residential window system and materials palette.
4. The design of the rest of the proposed building is generally considered positive in terms of its footprint, massing, architectural expression, active ground floor frontage and materials palette.
5. High quality new public realm will be provided as part of the proposal, including a new tree-lined pedestrian/cycle route which will direct people from North Road East near the railway station, past a new café/reception facility and terrace at the base of the tower (where attractive views towards Armada Way, Mount Edgcumbe and Plymouth’s waterfront can be enjoyed) and along a new tree-lined route into the campus. Pedestrians approaching from the North Cross subway at the lower level will encounter a new public amphitheatre space, enlivened with an active frontage in the form of the lower level or the café space at the base of the tower. The amphitheatre space connects to the new route into the campus at the higher level and will also help provide a welcoming experience to guide people into the University.

Historic Environment

6. To the north of the site lies Portland Villas – two rows of mid to late 19th Century town houses which are Grade II listed. Their setting was radically altered in the 20th Century, as a result of the Blitz and post-war reconstruction, but they nevertheless form a robust reminder of Victorian Plymouth, particularly when viewed from Portland Villas itself (the street) and from the south and southwest from where they form a strong contrast with the more modern University buildings. They form a well-preserved and distinguished group of important listed buildings.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority [...] shall have special regard to the desirability of preserving the building or its setting”.
8. The NPPF (para.132) states that “great weight” should be attached to the conservation of designated historic assets, and proposals that cause “substantial harm” should be refused unless it can be demonstrated that the proposed development will achieve “substantial public benefits that outweigh that harm or loss”.
9. Clearly, the proposed tower has an impact on the setting of these buildings, as does its linking 6 storey wing, to a lesser extent. However, it is not considered that there is substantial harm to the setting of the buildings in this case. The principle of a tall building on the site is supported by the Core Strategy, AAP and Design SPD and it is considered that the scheme will deliver sufficient benefits to outweigh any impact on the Listed buildings. The historic environment impact here is in fact far less than that for the Roland Levinsky Building which impacted (justifiably) on Listed buildings of more importance and required the demolition of the historic Rowe Street buildings. No demolition or changes to any historic structures are proposed here.
10. The National Planning Policy Framework (NPPF) (para.137) states that new development within the setting of heritage assets should “enhance” those assets. It is considered that the proposal is of a quality which will enhance the setting of Portland Villas – including by providing high quality public realm to replace the utilitarian highway verge to their west and by framing them within a new building frontage to their south.

Impact on the Character of the Area

11. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was produced with the support of the Council and, together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the AAP.

12. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.
13. Proposal CCI6 of the AAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”
14. This application would support the principles of the Core Strategy and AAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.
15. The principle of creating further student accommodation on campus is therefore supported but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area.
16. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social behaviour. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose-built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.
17. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition, the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%.

18. In this case, as the proposal does not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted to open-market housing. Taking into account the fact that the properties form part of the established University campus, and are in University ownership, the likelihood of the properties becoming market or affordable housing is considered remote. The format of the proposal means that accommodation within it is unlikely to be suitable as single dwellings and conversion into large flats would be difficult.
 19. Officers consider that there is an established policy basis, contained within both the Core Strategy and AAP, supporting the provision of additional student accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University campus which already has a very different character than surrounding residential streets. The accommodation will be carefully managed, and it is considered that the development is unlikely to create a negative change to the character of the neighbourhood.
 20. In terms of the area surrounding the campus, the provision of good quality, purpose-built accommodation for students would help to encourage the conversion of existing HMOs back to family housing, and improve the balance of housing types and tenures in the neighbourhood. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.
 21. Local hoteliers have raised concerns that, if the accommodation is allowed to be occupied by the general public in the summer months, it will have a detrimental effect on trade and could result in businesses closing down. A restrictive condition will be imposed to limit this kind of use in the summer months and to safeguard the vitality of the surrounding area.
 22. In conclusion, the benefit of concentrating student accommodation on campus, away from surrounding residential areas, is considered to outweigh the introduction of another HMO into the neighbourhood. The scheme will comply with the aspirations of the Core Strategy and Proposal CCI6 of the AAP and is not considered to cause harm to the character of the area.
- Impact on Neighbouring Amenity
23. The John Lane site occupies an internal position within the University campus and does not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any neighbouring properties. However, letters of representation have been received from surrounding residents concerned about the potential impact a large influx of students will have on the wider amenity of the area.

24. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.
25. Officers are confident that waste management will be carefully managed from the proposed student housing and will be integrated in to existing procedures within the campus. University staff (UPP Residential Services Ltd) will therefore directly collect waste from kitchens, which will reduce the likelihood of litter problems in surrounding streets.
26. Initially a management plan was not submitted to accompany the application. However, given the concerns raised by the local residents, clarification over the management of the property has now been submitted. The University already has a number of halls of residence which are controlled through the Halls of Residence Handbook, the Residence Licence Agreement and ultimately the University Code of Conduct. Officers consider that the management of the accommodation is rigorous and any breach of the regulations could have serious implications for the student which could ultimately result in suspension or expulsion. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the University's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:
 - 24 hour complaints procedure with the police
 - University security on hand 24 hours a day can be directed by the Police to attend any incidents
 - A single point contact for complaints
 - Leaflet drops to neighbours, or similar, giving relevant information, including details of complaints procedure.
 - Students must sign a licence agreement that robustly sets out the disciplinary procedure
 - Students must abide by the Code of Conduct set out in the student handbook
27. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.
28. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However, these issues would need to be dealt with by the police and cannot be addressed through the planning process.

29. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking of North Hill and to ensure a 24 hour shop is provided on campus. It is not considered by officers that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. An agreement or condition to ensure litter picking of North Hill could not be directly related to the application and could not therefore be imposed. The provision of a 24 hour shop on campus is something that may be considered as part of its continued development. However, this is not considered essential or necessary for the determination of this application. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.
30. In conclusion, it is considered that the location of the development on the main campus, where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

Standard of Accommodation

31. It is considered that the scheme will provide a high standard of purpose-built student accommodation, and it is in the University's interest to do so in terms of providing a competitive and attractive "living and learning space" offer.
32. The smallest rooms provided will measure approximately 10 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. It is considered that residents will enjoy a good balance between communal and private space with the added benefit of attractive communal lounges, the on-site café, and outside amenity area, including the proposed amphitheatre space.
33. It is noted that this application together with concurrent proposals for the campus will increase the population in this locality by over 800 people. However, it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Parking and Transport Issues

34. The overall proposal to increase the number of students resident on the University campus is considered acceptable by officers, subject to a number of conditions. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus, which benefits from good links with the nearby city centre and railway station. There are already around 1,700 existing rooms in halls of residence on the campus and all the proposals will add a further 888 rooms or 1,027 bed-spaces.

35. The level of secure cycle storage proposed is in the order of 1 bike space per 3 bed-spaces – 67 spaces in total. This is less than the 1 to 2 ratio recommended in the Development Guidelines document. However, further to negotiations, additional cycle parking has been provided within the adjacent Portland Villas South proposal (about 27 extra spaces). The total cycle storage is considered acceptable, particularly given that the scheme is located on campus, close to all amenities and this will reduce the level of cycle travel.
 36. The University operates a drop-off and pick-up strategy which allows for temporary alterations to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this strategy and showing how this would need to change to accommodate the increase in students envisaged by the current set of planning applications. It is recommended that this drop-off and pick-up strategy should form part of the existing University Travel Plan for the whole campus and a condition is proposed to secure this amendment.
 37. There is a need to improve way-marking and signage around the campus to help students locate nearby facilities such as the railway station and city centre. It is suggested therefore that a way-marking strategy be implemented in order to provide the necessary signage and improve pedestrian links to and within the campus. Such signs would be of a similar style to those already provided elsewhere, however the increase in student numbers on the campus, particularly at the western end, would provide further justification for this measure.
 38. The original drawings for this scheme showed a narrowing of the public footway /cycleway leading to the North Cross subway underpass at the western end of the site. However, the plans have now been modified so that all alterations are within land under the control of the applicant.
- Sustainability
39. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority considers that the report adequately addresses policy CS20 and proposal CC05 of the AAP. A condition is recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.
- Other Issues
40. The University did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 individual dwellings. This proposal for 31 cluster flats does not fall within this category and therefore any form of additional public consultation should be welcomed.

41. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.
42. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to Planning Committee in line with the Council's Scheme of Delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.
43. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The Council has made all information available online to ensure people are fully aware of the proposals.

Local Finance Considerations

44. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £299,312 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Human Rights Act

45. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £22,399 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities Issues

The University, in accordance with their “service provider duties” under the Equality Act together with UPP state a commitment to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments. The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of “accessible” rooms, many of which include student / carer specific facilities. The Isaac Foot proposal will include 3 wheelchair accessible student bedrooms, in first second and third floor flats. No negative impact on any equality groups is anticipated.

Conclusions

This development will encourage students to study within the city, improve the economy and help to address the over-concentration of students in surrounding neighbourhoods such as Greenbank and Mutley. The scheme will result in improvements to living conditions for students and local residents, while improving the character, appearance and vitality of the area and meeting the infrastructure needs of the development. Good quality architecture is proposed, including a new landmark tower which will highlight the western gateway to the University and enhance the city skyline. Significant new public realm is proposed which will create a new attractive route into the campus from the railway station and North Cross. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings ,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 31 May 2013**

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.

APPROVED PLANS

(2)The development hereby permitted shall be carried out in accordance with the following approved plans: 338-JL-D+A, 338-JL-PL-SITE-010 Rev A, 338-JL-PL-SITE-011 Rev A, 338-JL-PL-GA-010 Rev A, 338-JL-PL-GA-011 Rev A, 338-JL-PL-GA-100 Rev A, 338-JL-PL-GA-101 Rev A, 338-JL-PL-GA-200, John Lane Landscape Masterplan

Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

CODE OF PRACTICE DURING CONSTRUCTION

(3)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

(4)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 points 1 to 3 below 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 point 4 has been complied with in relation to that contamination.

I. Site Characterisation

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 desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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;
- (iv) 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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

3. Implementation of Approved Remediation Scheme

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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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.

DESIGN DETAILS

(5) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority (LPA), no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction, materials and finish of the windows and glazing systems to be used.
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design of the external building lighting system.
- (iv) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations.
- (v) Details of the design of the treatment of the junctions between different materials.
- (vi) Details of the design and finish of all fascias and soffits.
- (vii) Details of the design and finish of all rainwater goods.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(6) Notwithstanding the details submitted, 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.

SURFACING MATERIALS

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

Reason:

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

CYCLE STORAGE

(8) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. In accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(9) 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.

LANDSCAPE DESIGN PROPOSALS

(10) 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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

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

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

LANDSCAPE MANAGEMENT PLAN

(11) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

DETAILS OF TREE PLANTING

(12) The plans and particulars of the landscaping works submitted in accordance with condition 11 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

TREE REPLACEMENT

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

Reason:

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

SUSTAINABILITY

(14) 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 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. 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 up to 2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INTERNAL NOISE STANDARDS

(15) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB LAeq for living rooms and not exceeding 35 dB LAeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB LAeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

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

NOISE FROM PLANT AND MACHINERY

(16) Noise from plant and machinery from the development hereby permitted shall not exceed a rating level of 5dBA below background level at the nearest sensitive façade.

Reason:

To ensure that nearby residents do not experience unacceptable levels of noise disturbance and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

MECHANICAL EXTRACT VENTILATION

(17) Prior to the installation of any mechanical extract ventilation system the applicant must provide the Local Planning Authority with plans and information in respect of the equipment and an installation scheme, which must be approved for use in writing by the Local Planning Authority. The information provided about the mechanical extract ventilation system should include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with any proposed system, i.e., filtration systems, odour neutralising systems, etc. The information should also include details of methods to reduce any noise caused by the operation of any proposed ventilation system. The approved extract ventilation system shall be installed and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

STUDENT USE RESTRICTION

(18) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(19) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN

(20) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

BIODIVERSITY

(21) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Biodiversity Mitigation and Enhancement Strategy shall be submitted for approval and works shall be carried out in accordance with this document.

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 the NPPF.

PEDESTRIAN SIGNAGE STRATEGY

(22) Prior to commencement of development details shall be submitted to the Local Planning Authority of a signage strategy for the campus indicating suitable waymarking for pedestrians both accessing the site and walking within the site - details of which are to be agreed in writing. The details of such a strategy shall be implemented prior to occupation of the development hereby approved.

Reason:

In order to promote walking as a means of travel to and from the campus in accordance with CS28 of the Core Strategy.

INFORMATIVE: CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should 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.
- D. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- E. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE: EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2)The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3)The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- 4 - To circulate to local residents, details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with local residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE: TRAVEL PLAN

(4) In order to satisfy condition 21 (Travel Plan) the University as applicant should formally confirm that the University's existing Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE: INTERNAL NOISE STANDARDS

(5) The SRL Noise Report dated 7th March 2013 that has been submitted with the application recommends glazing to achieve the standards set out in condition 15, however, it states that "glazing and frames are tested in an acoustic laboratory", we recommend these tests are carried out prior to installation of any glazing to avoid difficulties in complying with the requirements of the conditions.

INFORMATIVE: FOOD SAFETY

(6) The food establishment is required to be registered with Public Protection Service 28 days prior to opening. It would be advisable for the applicant to contact the Public Protection Service, Food Safety Standards Team with regards to the design and layout of the café establishment at the earliest opportunity to ensure compliance with the Food Hygiene England Regulations 2006.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(7) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: loss of academic/employment space, the standard of accommodation provided, design, impact on the character of the area and parking and transport issues, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS20 - Resource Use

CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document
NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



ITEM: 05

Application Number: 13/00482/FUL

Applicant: University of Plymouth

Description of Application: Demolition of building and erection of new 10 storey building to provide 159 student bedspaces (within 10 cluster flats) and ancillary warden accommodation, associated communal facilities, sport/society hall, common room, refuse and bike store, student reception, offices and associated landscaping works.

Type of Application: Full Application

Site Address: ISAAC FOOT BUILDING, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

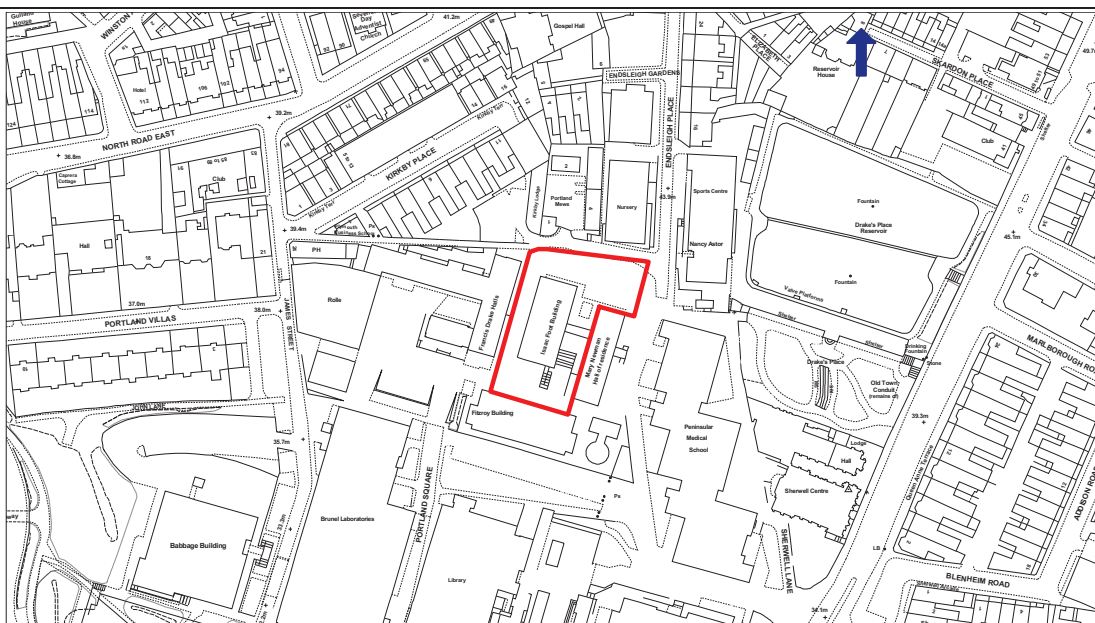
8/13 Week Date: 17/06/2013

Decision Category: Major - more than 5 Letters of Representation received and Member Referral

Case Officer : Matt Coombe

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This application has been referred to Planning Committee by Councillor Ricketts.

Site Description

The site is about 0.2 hectares in size and is located in the north east section of the main University campus between the Mary Newman and Francis Drake halls of residence buildings. It slopes 2.2m from north to south and is currently occupied by the Isaac Foot building - 3 storeys of education space with concrete elevations in the 1960s Brutalist style. There are no mature trees or significant landscape features on site.

Proposal Description

It is proposed that the current Isaac Foot building be demolished and replaced with an 10 storey building containing 159 student bed spaces configured in 8 flats, with a 2 bed post-graduate flat and a 1 bed warden's flat. Each flat contains en-suite facilities.

The scheme includes a new Physical Education Hall (intended to meet the requirements of BB99 for P.E. Halls for Junior Schools) which has been designed to also function as a Community Hall in accordance with Sports England Guidance. The facility includes toilets and changing rooms and is accessed independently from the student accommodation.

At the southern frontage, on the lower and upper ground floors, the building has been highly glazed, to create an active frontage. This area contains the reception area and warden's office, with a student lounge at mezzanine level. On the upper ground floor to the north a launderette, secure bike store and bin store is proposed.

It is proposed to upgrade the landscaping around the building to match the public realm improvements elsewhere on the campus.

Pre-Application Enquiry

Planning officers had extensive pre-application meetings with the applicants and their agents (as part of the wider formal pre-application enquiry 12/02287/MAJ). Discussions were positive and officers successfully negotiated a number of improvements to the scheme including;

- i. optimisation of active ground floor frontage,
- ii. introduction of oriel windows to maximise sunlight and views for the student rooms, whilst minimising overlooking of bedrooms in the adjacent buildings and adding modelling and interest to the elevations,
- iii. avoidance of render (which it was considered would weather badly) on the elevations,
- iv. introduction of vibrant colour to the elevations (to enhance the street scene between the buildings and mitigate against the "canyon effect" – improving the character of the spaces between this and the adjacent tall buildings – spaces which could otherwise feel rather oppressive), and
- v. upgrading the residential windows from UPVC to a higher quality aluminium system.

Relevant Planning History

The site has no relevant planning history.

Consultation Responses

Highways Authority – No objections subject to conditions.

The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied to address these concerns and the highways authority is therefore happy to recommend approval subject to conditions.

Police Architectural Liaison Officer – No objections.

Public Protection Service – No objections subject to conditions.

South West Water - No objections.

Representations

19 letters of representation have been received and 18 object to the proposal. The majority make general comments about all the concurrent University planning applications and raise the following issues:

- Too many student properties in the area already
- Affordable housing should be provided in the area rather than more student housing
- Houses in Multiple Occupation (HMOs) will lie vacant in surrounding areas and what impact will this have
- Small hotels and guesthouses have closed as a result of the University letting out their rooms during the summer months
- Loss of offices will change the nature of the campus
- Negative impact on the nature and character of the neighbourhood
- Negative impact on the amenities of neighbouring residential properties
- Noise and waste pollution
- Noise Study is not representative
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24 hour shop on campus
- Antisocial behaviour will increase e.g. car damage, graffiti, litter
- No Management Plan is in existence yet
- The density of buildings on campus is already too high
- The number of extra people in the area will lead to overcrowding
- Poor quality of life will be created for students and staff
- Parking problems will increase
- The introduction of further tall buildings may create “wind tunnels”
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people could not attend
- It was not easy to make comments and the process has not been open and transparent

One letter of support has been received which suggests that moving students on to campus will encourage existing HMOs in surrounding areas (e.g. Mutley) to be converted back in to family housing.

Analysis

1. Consideration of this application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The City Centre and University Area Action Plan (AAP) is a key consideration. The Design, Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.
2. The main planning considerations are: the loss of academic/employment space; the standard of accommodation provided; design; impact on the character of the area and parking and transport issues, as detailed below.

Loss of Academic/Employment Space

3. Core Strategy Policy CS05 states that development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal. It is considered that the scheme will deliver these benefits.
4. The proposal means that staff currently based within the Isaac Foot building will be displaced. It is understood that the existing building is no longer fit for purpose, and the long-term goal is to provide a new academic building with modern facilities to house displaced staff. The University states that these staff will be decanted from the main campus for about 18 months to operate from other central locations the city.
5. The University states that, although academic and office accommodation will be lost on campus for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. The University has pledged to give careful consideration to what staff will be relocated to ensure minimum impact on the student experience. The proposal will lead to the creation of a more diverse and sustainable mixed-use campus which will ensure the long term success of the University.
6. The University estimates that the current proposed student accommodation will result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

7. Plymouth University plans to work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the “1000 Club” and pledges to support young people in to employment. It is stated that this development will provide about 100 jobs during the construction phase and about 15 permanent jobs.
8. Local hoteliers have raised concerns that, if the accommodation is allowed to be occupied by the general public in the summer months, it will have a detrimental effect on trade and could result in businesses closing down. A restrictive condition will be imposed to limit this kind of use in the summer months and to safeguard the vitality of the surrounding area.

Standard of Accommodation

9. It is considered that the scheme will provide a high standard of purpose-built student accommodation, and it is in the University’s interest to do so in terms of providing a competitive and attractive “living and learning space” offer.
10. The smallest rooms provided will measure approximately 10 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. It is considered that residents will enjoy a good balance between communal and private space with the added benefit of attractive communal lounges, the outside amenity area and the on-site sports hall.
11. It is noted that this application, together with concurrent proposals for the campus, will increase the population in this locality by over 800 people. However, it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Design

12. The principle of a tall building on the site is supported by the Core Strategy, AAP and Design SPD, which identify the site as being within the Tall Building Zone of Opportunity. At 10 storeys, the proposed building height steps between the existing University buildings to the immediate east (Mary Newman Building – 13 storeys) and west (Francis Drake Building – 9 storeys).
13. Improvements have been negotiated to mitigate against the “canyon effect” – the potentially oppressive combined impact of the tall buildings on the landscape between them. These include;
 - a. the introduction of oriel windows to maximise sunlight and views for the student rooms, whilst minimising overlooking of bedrooms in the adjacent buildings and adding modelling and interest to the elevations,
 - b. the avoidance of render, which it was considered would weather badly on the elevations,
 - c. the introduction of vibrant colour to the elevations to brighten and enhance the character of the spaces between the buildings.

14. The design of the building is generally considered positive in terms of its footprint, massing, architectural expression, active ground floor frontage and materials palette. Good quality public realm is proposed to enhance the spaces around the building, including trees, other planting and hard landscaping to match that implemented elsewhere on campus in recent years.

Impact on the Character of the Area

15. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was produced with the support of the Council and, together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the AAP.
16. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.
17. Proposal CCI6 of the AAP supports the university “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”
18. This application would support the principles of the Core Strategy and AAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.
19. The principle of creating further student accommodation on campus is therefore supported but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area.
20. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social behaviour. The APP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose-built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

21. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition, the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%.
22. In this case, as the proposal does not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted to open-market housing. Taking into account the fact that the properties form part of the established University campus, and are in University ownership, the likelihood of the properties becoming market or affordable housing is considered remote. The format of the proposal means that accommodation within it is unlikely to be suitable as single dwellings and conversion into large flats would be difficult.
23. Officers consider that there is an established policy basis, contained within both the Core Strategy and AAP, supporting the provision of additional student accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University campus which already has a very different character than surrounding residential streets. The accommodation will be carefully managed, and it is considered that the development is unlikely to create a negative change to the character of the neighbourhood.
24. In terms of the area surrounding the campus, the provision of good quality, purpose-built accommodation for students would help to encourage the conversion of existing HMOs back to family housing, and improve the balance of housing types and tenures in the neighbourhood. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.
25. In conclusion, the benefit of concentrating student accommodation on campus, away from surrounding residential areas, is considered to outweigh the introduction of another HMO into the neighbourhood. The scheme will comply with the aspirations of the Core Strategy and Proposal CCI6 of the AAP and is not considered to cause harm to the character of the area.

Parking and Transport Issues

26. The overall proposal to increase the number of students resident on the University campus is considered acceptable by officers, subject to a number of Conditions. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus, which benefits from good links with the nearby City Centre and Rail Station. There are already around 1700 existing rooms in halls of residence on the campus and all the proposals will add a further 888 rooms or 1027 bed-spaces.
27. This proposal for 160 bed-spaces will involve the redevelopment of the existing Isaac Foot building. Cycle storage is proposed in the order of 1 space per 3 bed-spaces - 54 spaces in total - which is less than required by existing policies set out in the Development Guidelines document, which recommends 1 space per 2 bed-spaces. Therefore, there is a shortfall of 26 spaces. The applicant points out that there is insufficient space within the building to provide the 80 spaces required and that 54 will be sufficient given that students will not require daily use of a bicycle as they are already resident on the campus. On this basis a condition is given below, recommending that a minimum of 54 covered and secure spaces are provided.
28. The University operates a drop-off and pick-up strategy which allows for temporary alterations to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this strategy and showing how this would need to change to accommodate the increase in students envisaged by the current set of planning applications. It is recommended that this drop-off and pick-up strategy should form part of the existing University Travel Plan for the whole campus and a condition is proposed to secure this amendment.

Sustainability

29. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority considers that the report adequately addresses policy CS20 and proposal CC05 of the AAP. A condition is recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.

Other Issues

30. The University did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for "significant" applications of over 150 individual dwellings. This proposal for 10 cluster flats does not fall within this category and therefore any form of additional public consultation should be welcomed.

31. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.
32. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to Planning Committee in line with the Council's Scheme of Delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.
33. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The Council has made all information available online to ensure people are fully aware of the proposals.

Local Finance Considerations

34. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £80,584 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Human Rights Act

35. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £19,462 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities Issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP state a commitment to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms, many of which include student / carer specific facilities.

The Hall will include 3 wheelchair accessible student bedrooms, in first second and third floor flats. No negative impact on any equality groups is anticipated.

Conclusions

This development will encourage students to study within the city, improve the economy and help to address the over-concentration of students in surrounding neighbourhoods such as Greenbank and Mutley. The scheme will result in improvements to living conditions for students and local residents, while improving the character, appearance and vitality of the area and meeting the infrastructure needs of the development. A good quality mixed-use scheme is proposed, including a new sports hall / community centre and supporting facilities, together with public realm improvements which will significantly enhance the quality of the environment around the base of the building. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings ,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 31 May 2013**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-IF-D+A, 338-Addendum-D+A, 338-IF-PL-SITE-010, 338-IF-PL-GA-010, 338-IF-PL-GA-011, 338-IF-PL-GA-012, 338-IF-PL-GA-110, 338-IF-PL-GA-111, 338-IF-PL-GA-112, 338-IF-PL-GA-200, 338-IF-PL-GA-201, 338-IF-PL-GA-202, Isaac Foot Landscape Masterplan

Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

CODE OF PRACTICE DURING CONSTRUCTION

(3) 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

(4) 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 points 1 to 3 below 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 point 4 has been complied with in relation to that contamination.

1. Site Characterisation

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 desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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;
- (iv) 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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

3. Implementation of Approved Remediation Scheme

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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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.

DESIGN DETAILS

(5) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority (LPA), no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction and finish of the windows and glazing systems to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed oriel windows;
- (iv) Details of the design of any external building lighting proposed;
- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between different materials.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(6) Notwithstanding the details submitted, 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.

SURFACING MATERIALS

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

Reason:

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

CYCLE STORAGE

(8) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. In accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(9) 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.

LANDSCAPE DESIGN PROPOSALS

(10) 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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

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

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

LANDSCAPE MANAGEMENT PLAN

(11) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

DETAILS OF TREE PLANTING

(12) The plans and particulars of the landscaping works submitted in accordance with condition 11 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

TREE REPLACEMENT

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

Reason:

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

SUSTAINABILITY

(14) 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 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. 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 up to 2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(15) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for communal/living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

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

STUDENT USE RESTRICTION

(16)The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(17)The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN

(18)The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

BIODIVERSITY

(19) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Biodiversity Mitigation and Enhancement Strategy shall be submitted for approval and works shall be carried out in accordance with this document.

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 the NPPF.

INFORMATIVE: CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should 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.
- D. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- E. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE: EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3)The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- 4 - To circulate to local residents, details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with local residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE: TRAVEL PLAN

(4)In order to satisfy condition (18) (Travel Plan) the University as applicant should formally confirm that the University's existing Green Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(5)In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: loss of academic/employment space, the standard of accommodation provided, design, impact on the character of the area and parking and transport issues, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS03 - Historic Environment
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- NPPF - National Planning Policy Framework March 2012
- CCS03 - City Centre and University Area Action Plan

PLANNING APPLICATION REPORT



ITEM: 06

Application Number: 13/00490/FUL

Applicant: University of Plymouth

Description of Application: Demolition of building and erection of new four storey building to provide 104 student bedspaces (within 8 townhouses) and associated communal facilities, refuse and bike store.

Type of Application: Full Application

Site Address: KIRKBY TERRACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

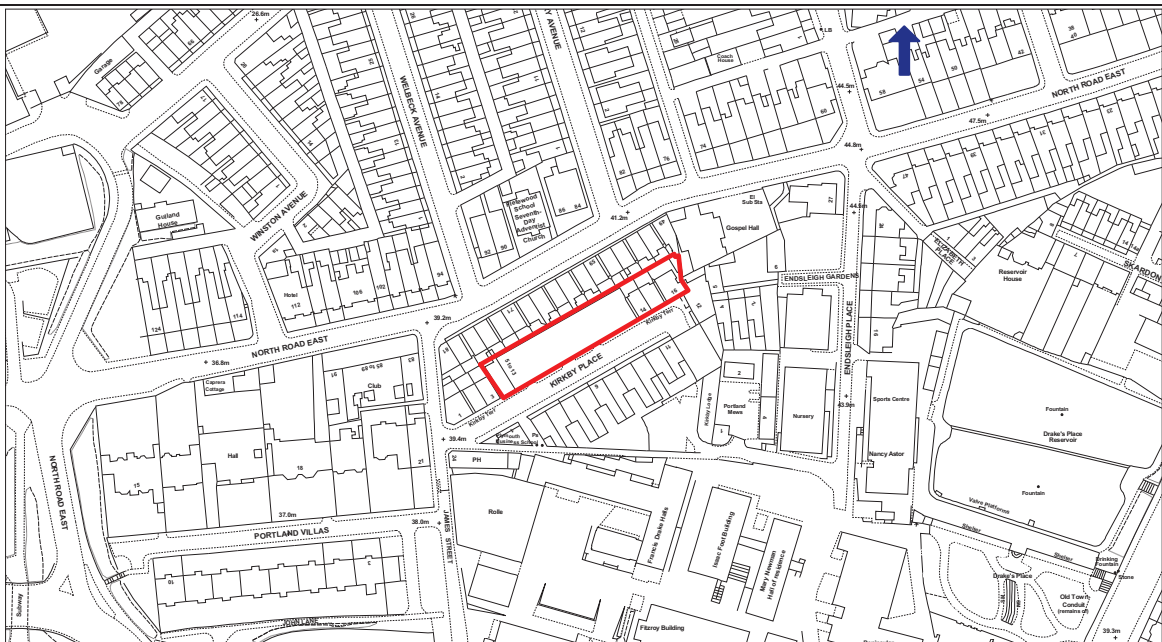
8/13 Week Date: **17/06/2013**

Decision Category: Major - more than 5 Letters of Representation received and Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This planning application has been referred to Planning Committee by Councillor Ricketts.

Site Description

Kirkby Terrace is located at the northern end of the University Campus, between the rear boundaries of properties in North Road East and Kirkby Place to the south.

The existing building on the site is a single storey warehouse style building that is used as the University print and post room.

Buildings on the neighbouring sites include the development site for Kirkby Place, residential properties in North Road East, and University accommodation.

Proposal Description

The proposal is to demolish the buildings on Kirkby Terrace and build a terrace of 8, four storey terraced houses to accommodate 104 students. The proposal includes cycle parking on the ground floor. External amenity space is limited small rear courtyards. The scheme is car free.

The houses are arranged over four floors. Each house has shared living space, kitchen facilities and bathrooms, each bedroom would have its own storage space and study area.

The development proposal is for a modern terrace of 8 town houses. The materials include render, bronze cladding, reconstituted slate and aluminium windows.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

Public Protection Unit – No objection subject to conditions.

Police Liaison – No objection

Transport – No objections, subject to conditions

Representations

Eighteen letters of representation have been received in respect of this application. All of these 18 letters are common to all of the current applications relating to the University before the Planning Committee today. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already

- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the effect on neighbours amenity the character and appearance of the area, the loss of the existing print and post room, the standard of accommodation provided, sustainability, and parking and highway safety issues, as detailed below.

Impact on neighbouring amenity

3. The main concern with this development proposal is the impact on the neighbouring residential property to the rear in North Road East. The houses in North Road East are a terrace of two storey buildings with small rear gardens/ external amenity areas of approximately 4.5m.

4. The relationship with the existing buildings is very poor. The post and print room is built up close to the rear boundary and imposes on the rear gardens of the houses to the rear. The existing building has a ridge height of approximately 7m. This scheme would demolish this building and proposes a four storey building with a ridge height of approximately 12.5m at a distance of 12.5 to 15m from the rear elevations of the houses opposite. Development Guidelines suggest that this distance would be acceptable for a 2 storey development, and so this scheme does not meet these guidelines. Officers are, however, recommending that this increase in height is acceptable for the following reasons:

- The new building would be set back further from the rear boundary than the existing building.
- Many of the existing houses have developed the majority of their rear gardens with single storey extensions.
- There have been no objections to the proposal from any of the residents on grounds of loss of amenity.
- The applicants have submitted a Skylight and Sunlight Impact Assessment, which shows that the development falls within advised limits.

5. The building has been designed to prevent any overlooking of these properties to the rear, with the use of high level sky lights.

6. In terms of noise and general antisocial behaviour, officers consider that a management plan which incorporates the university's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following :

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

7. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

8. The letters from surrounding residents are concerned about the potential cumulative impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

9. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

10. Officers consider that waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the site large bin stores would be able to be provided in the rear amenity area. The refuse would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

11. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

12. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

13. In conclusion, it is considered that the location of the development close to other halls of residence, where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

14. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Impact on the appearance of the area

15. The massing of the proposed 4 storey building would relate well to the existing development in the street. The design has been developed to create a modern terrace that relates in terms of scale and proportion to the original 19th Century terraces.

16. The use of render also reflects the existing style of buildings, but this is given a contemporary styling by the use of square bays and bronze finish horizontal cladding, which has been used elsewhere in the university. The roofing material would be slate to tie in with existing development.

17. The rear elevation has had to be designed to remove all habitable room windows facing the terrace to the rear. The elevation would be screened from view by the existing terrace of houses and would therefore be acceptable visually.

18. The existing post and print room is a metal shed, which does not relate well to existing buildings and this scheme is considered by officers to represent a significant positive contribution to the area and to comply with policy CS02 and CS34.

Impact on the character of the area

19. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

20. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

21. Proposal CCI6 of the CCUAAP supports the university “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

22. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

23. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from seventeen local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

24. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

25. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 56% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

26. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition there vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

27. Officers consider that there is an established policy basis, contained within both the core strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University Campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided by the University officers’ consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

28. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.

29. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

30. In conclusion the benefits of concentrating student accommodation within the campus, and away from the more residential areas of the city, is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

Standard of Accommodation

31. The proposal will create a total of 104 bedspaces within 8 townhouses. Each house would have communal kitchen, study and lounge facilities, shared toilets and bathrooms and access to the rear yard. It is considered that these communal areas, although small, would provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

32. The bedrooms would all be an acceptable size and standard to accommodate bedspace, storage and study area. All rooms are in excess of 6.5 square meters, which is the minimum size given in the HMO guidelines.

33. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

34. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

35. The principle of a car free- development in this location is supported by the highway authority. It is in accordance with the University's established policy of reducing car parking, which benefits from good links with the nearby City Centre and Rail Station.

36. This proposal for 104 bedspaces will involve the replacement of the existing buildings fronting Kirkby Place. Cycle storage is proposed in the order 32 spaces in total which is less than required by existing policies set out in the Development Guidelines Document which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 20 spaces. The applicant points out that the existing cycle storage on campus is under used, officers recommend that given this under use, a Condition requiring the provision of the 32 spaces is acceptable in this instance.

37. The University operates a Drop of and Pick up strategy which allows for a temporary alteration to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by this application. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a condition is recommended to secure this amendment.

38. Some on street car parking is available in Kirkby Place which includes some pay and display parking machines as well as a loading only bay currently used by University Printing Service. These spaces could therefore be used as pick up and drop of spaces to allow students to be brought to the campus by car. No permits will be provided to park in the residents parking spaces.

39. A Condition is suggested requiring the removal of the existing vehicle dropped crossings as no vehicular access is proposed to the new building, as well as the reinstatement of the footway along the frontage of the building once the works are finished.

40. Subject to conditions requiring cycle parking and travel plan details the proposal is considered to comply with CS28.

Employment considerations

41. Policy CS05 indicates that development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

42. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices and post/print room do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

43. The university has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Kirkby Terrace will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months to other locations in the central area of the city.

44. It should be noted that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

45. Furthermore the University suggest that the provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

46. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the “1000 club” and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

47. Surrounding hotels and guesthouses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down and result in a shortage of accommodation at other times of the year. A restrictive condition is therefore recommended, limiting use in the summer months to students visiting for the summer. This will help to limit the impact on the vitality of the surrounding area.

48. Although this proposal results in loss of out of date office accommodation in this location, there would be an overall increase in jobs for the city. The proposal is therefore considered to comply with Policy CS05 in this respect.

49. The proposal is therefore considered to meet the requirements of policy CS05 in terms of the loss of the existing facilities.

Public Protection Issues

50. The Desk Study Report that has been submitted with the application does not raise an overriding objection, but a condition requiring further investigation is required.

51. There are no concerns regarding air quality. Conditions are required to ensure that the new accommodation meets room standards in terms of noise.

52. Subject to these conditions the proposal is considered to comply with CS22 in terms of pollution and public protection concerns.

Sustainability

53. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a part of the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

54. The proposal does not include any landscaping works other than to create a courtyard to the north of the properties. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. Details of the bat survey for the buildings to be demolished will be reported verbally to the Planning Committee. There are no trees affected by the development. Subject to the results of the bat survey the proposal is considered by officers to comply with policies CS18 and CS19.

Other Issues

55. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

56. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

57. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

58. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to planning committee in line with the council’s scheme of delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.

59. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the council’s publicity code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

60. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

61. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £99,771.00 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the university provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £12,730 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007, The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-KT-PL-SITE-001, 338-KT-PL-SITE-010, 338-KT-PL-SITE-002, 338-KT-PL-GA-101 REV A, 338-KT-PL-GA-201REV A, 338-KT-PL-GA-100 REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-200 REV A. and the accompanying design and accesws 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 31 May 2013**

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.

APPROVED PLANS

(2)The development hereby permitted shall be carried out in accordance with the following approved plans: 338-KT-PL-SITE-001, 338-KT-PL-SITE-010, 338-KT-PL-SITE-002, 338-KT-PL-GA-101 REV A, 338-KT-PL-GA-201REV A, 338-KT-PL-GA-100 REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-200 REV A.

Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

CODE OF PRACTICE DURING CONSTRUCTION

(3)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

(4) 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 points 1 to 3 below 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 point 4 has been complied with in relation to that contamination.

1. Site Characterisation

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 desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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;
- (iv) 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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

3. Implementation of Approved Remediation Scheme

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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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.

DESIGN DETAILS

(5) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority (LPA), no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction and finish of the windows and glazing systems to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed windows;
- (iv) Details of the design of any external building lighting proposed;

- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between different materials.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(6) 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.

SURFACING MATERIALS

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

Reason:

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

CYCLE STORAGE

(8) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. In accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(9) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

LANDSCAPE DESIGN PROPOSALS

(10) 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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

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

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

LANDSCAPE MANAGEMENT PLAN

(11) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

NOISE

(12) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700 not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

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

STUDENT USE RESTRICTION

(13) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(14) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN

(15) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

BIODIVERSITY

(16) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Biodiversity Mitigation and Enhancement Strategy shall be submitted for approval and works shall be carried out in accordance with this document.

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 the NPPF.

REINSTATEMENT OF FOOTWAY

(17) The building shall not be brought into use until the existing footway crossings (to become redundant) has been removed and the footway reinstated and resurfaced along the entire frontage of the building details of which shall be submitted and approved in writing by the Local Planning Authority prior to commencement of development.

Reason:

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

INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should 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.
- D. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- E. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3) The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- 4 - To circulate to local residents, details of the name, address and telephone number of the person responsible for the management of the property.

- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with local residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE - TRAVEL PLAN

(4) In order to satisfy the travel plan condition the University as applicant should formally confirm that the University's existing Green Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE - CONDITIONAL APPROVAL (WITH NEGOTIATION)

(5) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: loss of academic/employment space, the standard of accommodation provided, design, impact on the character of the area and parking and transport issues, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012
CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 07

Application Number: 13/00492/FUL

Applicant: University of Plymouth

Description of Application: Demolition of buildings and erection of new 6 storey building comprising 96 student bedspaces (within 5 cluster flats) and provision of ancillary warden accommodation, associated communal facilities, refuse and bike store, reception and facilities management offices.

Type of Application: Full Application

Site Address: PITTS, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS
PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

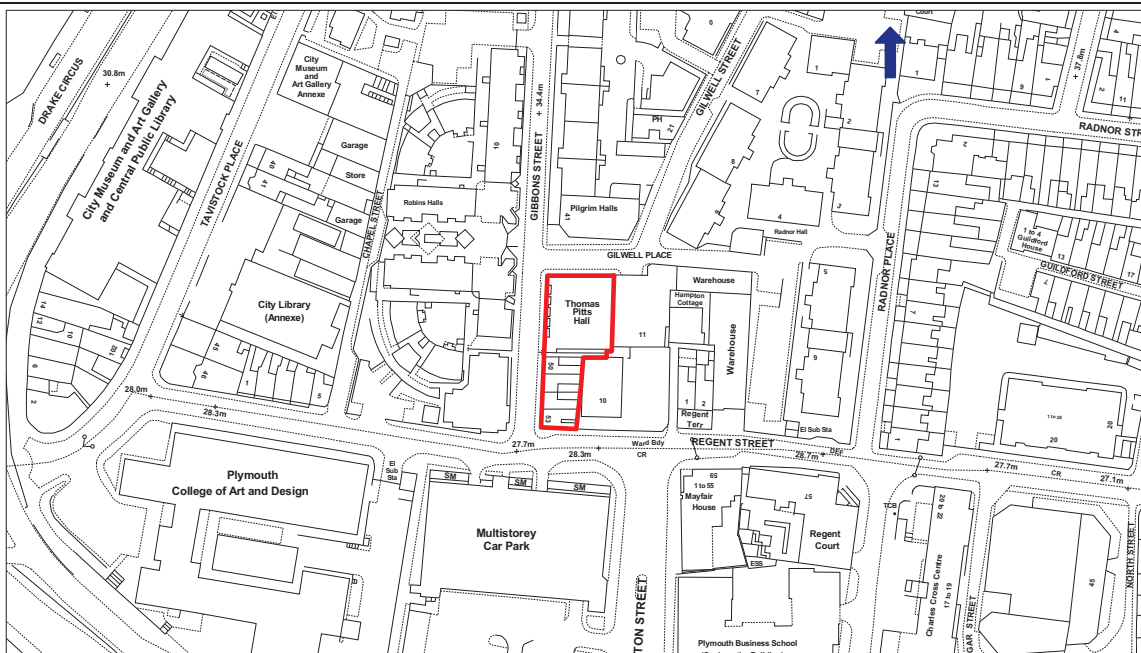
8/13 Week Date: 17/06/2013

Decision Category: Major - more than 5 Letters of Representation received and Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This Planning Application has been referred to Planning Committee by Councillor Ricketts.

Site Description

The Pitts Memorial Site site is located at the junction of Gibbon Street, Regent Street and Gilwell Place is therefore not located within the University Campus. It slopes from north to south by approximately 3.7m along its full length and extends to 0.08 hectares.

The existing buildings on the site are a terrace of university offices at the southern end, and the Pitt's Memorial Hall to the north.

Buildings on the neighbouring sites include the Regent Street car park, a convenience store, student halls of residence and a warehouse used by the College of Art.

Proposal Description

The proposal is to demolish the buildings on the site and build a new 6 storey building to accommodate 96 students within 5 cluster flats. The proposal also includes ancillary warden accommodation, a communal living space, café, University offices, external amenity space, bin storage and cycle parking at ground and lower ground floor levels. The scheme is car free.

The flats are arranged on the floors above. Each flat has shared living space and kitchen facilities and each bedroom has its own ensuite.

The development is an L shaped 6 storey building, with limestone plinth. The materials proposed are zinc finish horizontal metal cladding and white render/cladding with aluminium windows.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

Public Protection Unit – No objection subject to conditions.

Police Liaison – No objection

Transport – No objections, subject to conditions

Representations

Eighteen letters of representation have been received. All of these 18 letters are common to all of the current applications relating to the University before the Planning Committee today. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the effect on neighbours amenity the character and appearance of the area, the loss of the existing houses and community facility, the standard of accommodation provided, sustainability, and parking and highway safety issues, as detailed below.

Impact on the appearance of the area

3. The massing of the building will create a landmark structure on this prominent corner site. There has been one letter of objection, suggesting that the building should be limited to four storeys. Officers consider, however, that the scale is compatible with other developments in Gibbon Street, and that the site is acceptable for a building of this scale and massing.
4. The proposed footprint of the building follows the existing street pattern and provides significant areas for active frontage and uses at ground floor level.
5. The pallet of materials includes the use of Plymouth limestone at ground floor, with the use of zinc cladding to create a strong and high quality feature at either end of the building. The applicant has agreed to amend the materials to include aluminium for the windows, which will create a higher quality scheme and relate well to existing halls of residence in this street.
6. In terms of design the proposal is considered by officers to represent a significant positive contribution to the area and to comply with policy CS02 and CS34.

Impact on the character of the area

7. This application falls outside the main campus area of the University. It is, however, in an area that is dominated by the presence of the University, the College of Art and University halls of residence.
8. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The City Centre and University Area Action Plan acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.
9. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 41 – 50% of properties within the census output area where the university campus is located are HMOs. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 91% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development. That is clearly

the case in this instance. The site is surrounded by university halls of residence and other non residential uses such as the College of Art, car parks and retail uses.

10. The development will be contained within an area that is already given over to student accommodation and has a very different character than the surrounding residential streets. The accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

11. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.

12. In addition, because of the location of this site and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south and west into the campus and the city centre.

13. In conclusion the benefits of continuing to concentrate student accommodation within the campus and this area that is already given over to student accommodation, and away from the more residential areas of the city, is considered to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and is not considered to cause significant harm to the character of the area.

Impact on neighbouring amenity

14. The Pitts Memorial site has boundaries the co-op store, student halls of residence and a warehouse used by the College of Art. Officers consider that the erection of this proposed 6 storey building would have minimal impact on the amenity of these and other nearby uses.

15. The letters from surrounding residents are concerned about the potential cumulative impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

16. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

17. Officers are confident that waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the site large bin stores would be able to be provided in the rear amenity area. The refuse would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

18. In terms of noise and general antisocial behaviour, officers consider that a management plan which incorporates the university's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following :

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

19. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

20. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

21. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime, and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

22. In conclusion, it is considered that the location of the development close to other halls of residence, where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

23. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Standard of Accommodation

24. The proposal at Pitts Memorial Hall will create a total of 96 bedspaces over 5 floors. Each floor would have communal kitchen and lounge facilities and access to the rear yard. The ground floor proposes a reception, common room and café. It is considered that these communal areas would provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

25. The bedrooms would all be ensuite and an acceptable size and standard to accommodate bedspace, storage and study area. The room sizes all exceed the 6.5 square meter minimum size given in the HMO guidelines.

26. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

27. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

28. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus which benefits from good links with the nearby City Centre and Rail Station.

29. This proposal for 96 bedspaces will involve the demolition and re- building of new student accomodation. Cycle storage is proposed in the order of 1 space per 3 bedspaces, 33 spaces in total which is less than required by existing policies set out in the Development Guidelines Document which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 15 spaces. The Applicant states that the existing cycle parking is under used and additional parking would reduce amenity area. Officers are therefore satisfied with the number of spaces proposed.

30. The University operates a Drop of and Pick up strategy which allows for a temporary alteration to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by the current set of Planning Applications. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a Condition is recommended to secure this amendment.

31. The development will be excluded from Permits within the Residents parking zone.

32. Subject to these conditions the proposal is considered to comply with policy CS28.

Employment considerations

33. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

34. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

35. The university has therefore taken the decision to vacate these buildings. This decision means that the offices on Gibbon Street will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months.

36. It should be noted that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

37. Furthermore the University suggest that provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

38. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

39. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down. It is therefore recommended that a restrictive condition will be imposed limiting use in the summer months to students visiting in the summer. This will help to limit the impact on the vitality of the surrounding area.

40. The proposal will also result in the loss of the Pitts Memorial Hall, which is used by the University for use by martial arts societies. The University aims to replace this accommodation with the new, larger and improved sports/society hall in Isaac Foot so there is no net loss of such facilities.

41. The proposal is therefore considered to meet the requirements of policy CS05 and CS30 in terms of the loss of the existing facilities.

Public Protection Issues

42. The Desk Study Report that has been submitted with the application does not raise an overriding objection, but a condition requiring further investigation is required.

43. There are no concerns regarding air quality.

44. Conditions are required to ensure that the new accommodation meets room standards in terms of noise.

45. Subject to these conditions the proposal is considered to comply with CS22 in terms of pollution and public protection concerns.

Sustainability

46. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a close to the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

47. The proposal does not include any landscaping works other than to create a courtyard to the rear. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. There are no trees affected by the development. The results of the bat survey for the buildings being demolished will be reported verbally to the Planning Committee. Subject to the results of this survey, the proposal is considered by officers to comply with policies CS18 and CS19 .

Other Issues

48. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

49. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but this offer was not taken up.

50. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to planning committee in line with the council’s scheme of delegation. A local ward councillor was advised to refer the applications to guarantee they would be debated at committee.

51. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council’s Publicity Code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

52. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

53. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

54. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £62,357.00 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

55. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the university provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £11,751 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation close to the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007, The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-PM-PL-SITE-001,338-PM-PL-SITE-002, 338-PM-PL-GA-100, 338-PM-PL-SITE-010, 338-PM-PL-GA-010, 338-PM-PL-GA-011, 338-PM-PL-GA-200, 338-PM-PL-GA-110,338-PM-PL-GA-111, 338-PM-PL-GA-012, 338-PM-PL-GA-013, 338-PM-PL-GA-014.and the 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 31 May 2013**

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.

APPROVED PLANS

(2)The development hereby permitted shall be carried out in accordance with the following approved plans: : 338-PM-PL-SITE-001,338-PM-PL-SITE-002, 338-PM-PL-GA-100, 338-PM-PL-SITE-010, 338-PM-PL-GA-010, 338-PM-PL-GA-011, 338-PM-PL-GA-200, 338-PM-PL-GA-110,338-PM-PL-GA-111, 338-PM-PL-GA-012, 338-PM-PL-GA-013, 338-PM-PL-GA-014.

Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

CODE OF PRACTICE DURING CONSTRUCTION

(3)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

(4)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 points 1 to 3 below 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 point 4 has been complied with in relation to that contamination.

1. Site Characterisation

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 desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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;
- (iv) 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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

3. Implementation of Approved Remediation Scheme

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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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.

DESIGN DETAILS

(5) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority (LPA), no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

- (i) Details of the design, method of construction and finish of the windows and glazing systems to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed windows;
- (iv) Details of the design of any external building lighting proposed;
- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between different materials.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(6) 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.

SURFACING MATERIALS

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

Reason:

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

TRAVEL PLAN

(8) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

SUSTAINABILITY

(9) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

LANDSCAPE DESIGN PROPOSALS

(10)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, hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

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

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

LANDSCAPE MANAGEMENT PLAN

(11)A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

CYCLE PARKING

(12)No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 33 bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

FOOTWAY

(13) The building shall not be brought into use until the existing footway fronting the development has been resurfaced in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason:

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.

NOISE FROM PLANT

(14) Noise from plant and machinery from the development hereby permitted shall not exceed a rating level of 5dBA below background level at the nearest sensitive façade.

Reason: To ensure that nearby residents do not experience unacceptable levels of noise disturbance and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

NOISE ATTENUATION

(15) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

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

STUDENT USE RESTRICTION

(16) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(17)The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(18)Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Biodiversity Mitigation and Enhancement Strategy shall be submitted for approval and works shall be carried out in accordance with this document.

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 the NPPF.

INFORMATIVE - CODE OF CONSTRUCTION

(1)The management plan required in connection with the "Code of Practice During Construction" Condition should 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.
- D. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- E. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2)The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3)The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- 4 - To circulate to local residents, details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with local residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE - GREEN TRAVEL PLAN

(4)In order to satisfy condition (19) (Green Travel Plan) the University as applicant should formally confirm that the University's existing Green Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE - CONDITIONAL APPROVAL (WITH NEGOTIATION)

(5) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: loss of academic/employment space, the standard of accommodation provided, design, impact on the character of the area and parking and transport issues, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 08

Application Number: 13/00489/FUL

Applicant: University of Plymouth

Description of Application: Change of use, conversion and alteration of existing buildings from university offices and other ancillary uses to 115 student bedspaces (within 8 townhouses) and associated communal facilities.

Type of Application: Full Application

Site Address: KIRKBY PLACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

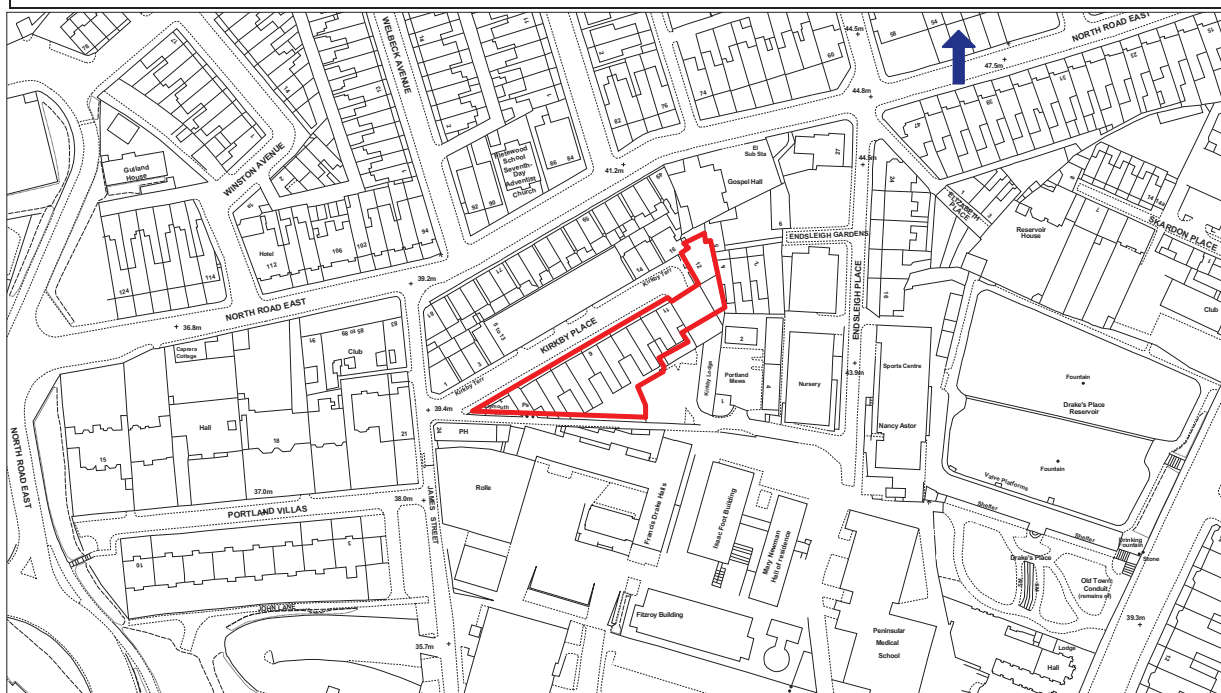
8/13 Week Date: **17/06/2013**

Decision Category: Major - more than 5 Letters of Representation received and Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

Click for Application Documents: www.plymouth.gov.uk



This application has been referred to Planning Committee by Councillor Ricketts.

Site Description

The site is a 19th Century, four storey, terrace of seven properties, known as Kirkby Place, and includes number 12 Kirkby Place which is a detached property at the end eastern of this terrace. The properties all have small rear yard areas.

The boundaries of the site are formed by Kirkby Place to the north, Portland Square Lane North to the South, James Street to the west and Kirkby Lodge to the west.

The buildings are currently used for university academic and support staff accommodation.

Proposal Description

The proposal is to create 8 town houses to provide accommodation for 115 students. Each house would have its own shared kitchen/dining and living room with shared bathrooms, and a small external amenity area and cycle storage. Each bedroom would have a bed, storage and study facilities.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

Public Protection Unit – No objection

Police Liaison – No objection

Transport – No objections, subject to conditions

Representations

Eighteen letters of representation have been received. All of these 18 letters are common to all of the current applications relating to the University before the Planning Committee today. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter

- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation, the standard of accommodation provided, sustainability, the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

5. The University has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Hepworth House will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months to other locations in the central area of the city.

6. It should be noted that the University have confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

7. Furthermore the University suggest that provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

8. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

9. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down and result in a shortage of accommodation at other times of the year. A restrictive condition is recommended therefore, limiting use in the summer months to students visiting for the summer. This will help to limit the impact on the vitality of the surrounding area.

10. Although this proposal results in loss of out of date office accommodation in this location, there would be an overall increase in jobs for the city. The proposal is therefore considered to comply with Policy CS05 in this respect.

Impact on the character and appearance of the area

11. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

12. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

13. Proposal CCI6 of the CCUAAP supports the university “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

14. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

15. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

16. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

17. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 56% of properties being in HMO use.

Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

18. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition their vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

19. Officers consider that there is an established policy basis, contained within both the core strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University Campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided, officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

20. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.

21. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

22. In conclusion the benefits of concentrating student accommodation within the campus, and away from the more residential areas of the city, is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CC16 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

Impact on neighbouring amenity

23. Kirkby Place has boundaries with other properties in the campus and the St James Vaults public house. There have been no objections to loss of amenity specifically arising from this proposal.

24. The letters from surrounding residents are concerned about the potential cumulative impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

25. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

26. Officers are confident that waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the Hepworth House large bin stores would be able to be provided in the rear garden areas. The refuse would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

27. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the university's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

28. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

29. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

30. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime, and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

31. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

32. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Standard of Accommodation

33. The conversion of Kirkby Place will create a total of 115 bedspaces within the 8 separate dwellings. Each house would have communal kitchen and lounge facilities and access to the rear yard. It is considered that these communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

34. In addition communal accommodation is proposed in the scheme at Hepworth House, where a large proportion of the ground floor, approximately 443m², will create a student hub which will accommodate a reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

35. A range of bedrooms will be provided including twin rooms and single rooms of varying sizes. The houses will accommodate between 8 and 14 people and have been amended to meet the HMO standards in respect of shared bathrooms and room sizes.

36. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

37. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

38. This proposal for 115 bedspaces will involve the refurbishment of the existing buildings fronting Kirkby Place. Cycle storage is proposed in the order 38 spaces in total which is less than required by existing policies set out in the Development Guidelines Document which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 20 spaces. The Applicant points out that the existing storage is under used and additional space would impact on the amenity of students in the Area. Officers are satisfied with the number of spaces proposed and recommend a Condition requiring the full provision of 38 spaces.

39. The University operates a Drop of and Pick up strategy which allows for a temporary alterations to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by the current set of Planning Applications. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a Condition is recommended to secure this amendment.

40. Some on street car parking is available in Kirkby Place which includes some pay and display parking machines as well as a loading only bay currently used by University Printing Service. These spaces could therefore be used as pick up and drop of spaces to allow students to be brought to the campus by car. No permits will be provided to park in the residents parking spaces.

41. Subject to conditions the proposal is consider to comply with policy CS28.

Public Protection Issues

42. The Desk Study Report that has been submitted with the application does not raise any contamination concerns. The Public Protection Service has no objection to its findings and therefore no further information regarding land quality is required.

43. There are no concerns regarding air quality.

44. There are no objections from public protection regarding noise issues.

45. The proposal complies with policy CS22 in terms of pollution and public protection measures.

Sustainability

46. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a part of the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

47. The proposal does not include any landscaping works other than to improve the gardens to the south of the properties. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. There are no trees affected by the development. The landscaping of these rear gardens would result in a significant improvement to the appearance of the terrace. The proposal complies with policies CS18 and CS19 in this respect.

Other Issues

48. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

49. A number of letters raised concerns that the applications may not be considered by planning committee. Applications are only referred to planning committee in line with the council’s scheme of delegation. A local ward councillor was advised to refer the applications to guarantee they would be debated at committee.

50. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

51. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the council’s publicity code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

52. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

53. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

54. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £101,227.00 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

55. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the university provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £14,076 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007, The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-KP-PL-SITE-001, 338-KP-PL-SITE-002, 338-KP-PL-GA-001, 338-KP-PL-SITE-010, 338-KP-PL-GA-010, 338-KP-PL-GA-011, 338-KP-PL-GA-002. and the 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 31 May 2013**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-KP-PL-SITE-001, 338-KP-PL-SITE-002, 338-KP-PL-GA-001, 338-KP-PL-SITE-010, 338-KP-PL-GA-010, 338-KP-PL-GA-011, 338-KP-PL-GA-002.

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN

(7) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE STORAGE

(8) No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 38 bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the LPA.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

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, hard surfacing materials, planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(10) 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.

MAINTENANCE SCHEDULE

(11) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(1) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 - To employ a warden who is resident at the property.

3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.

4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with Berkley Square residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE - LAND QUALITY

(4) The Red Rock Geoscience Phase I Geo-Environmental Desk Study Report that has been submitted with the application identifies potential sources of contamination on site. The report has carried out a preliminary risk assessment of these sources and concluded that there is a low risk. However, the site is outlined for inspection under Part 2A of the Environmental Protection Act and should information come to light that increases this risk ranking the Local Authority may require remediation of contamination in accordance with the above legislation. The risk assessment does not consider any use other than that of the approved development and any change of use should be subject to further risk assessment.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety issues, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 09

Application Number: 13/00491/FUL

Applicant: University of Plymouth

Description of Application: Change of use, conversion and other ancillary uses to 42 student bedspaces (within 5 townhouses) and associated communal facilities refuse and bike store.

Type of Application: Full Application

Site Address: ENDSLEIGH PLACE, UNIVERSITY OF PLYMOUTH,
DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

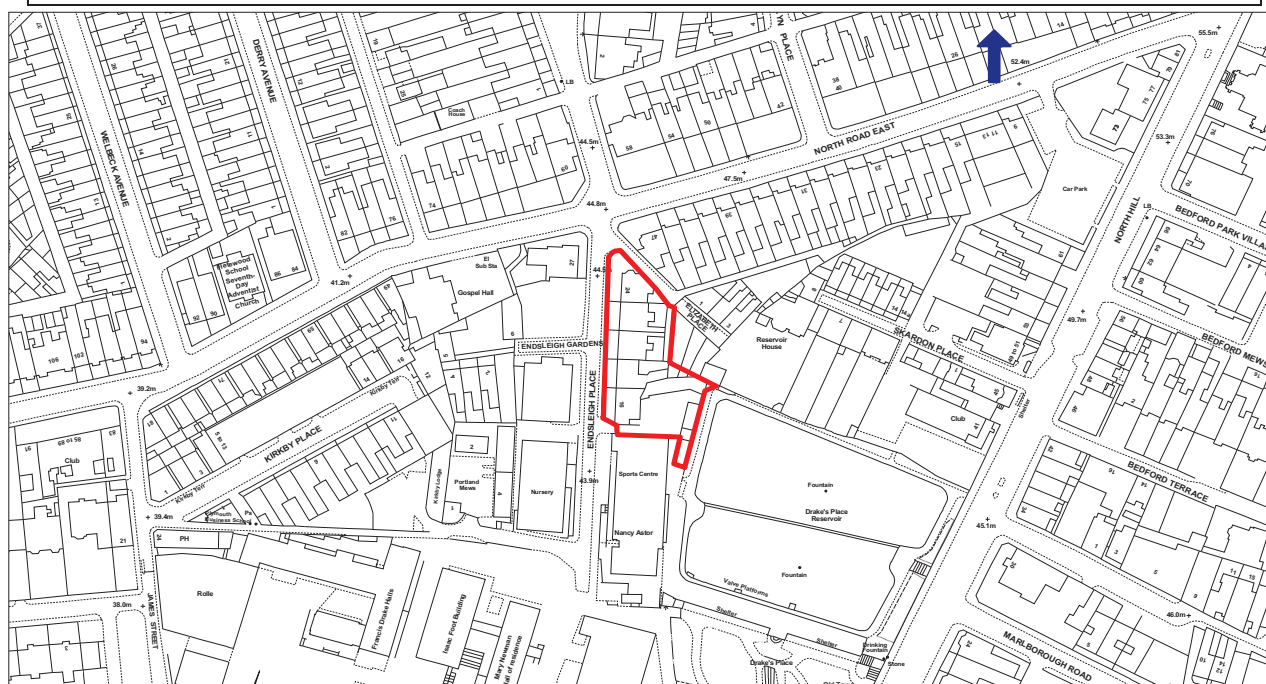
8/13 Week Date: **13/05/2013**

Decision Category: Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This item has been referred to Planning Committee by Councillor Ricketts.

Site Description

The site comprises a terrace of five, two storey, 19th century, double fronted, houses located at the northern end of Endsleigh Place. The properties are currently occupied by the university academic and support staff. The terrace is surrounded by private residential accommodation and University buildings and accommodation.

Each property has access to a small rear garden space. Number 24 has a rear access from Elizabeth Place. 22 to 18 have access only through the buildings. There is a larger yard area to the rear of number 16, which contains a number of outbuildings, and is accessed from Endsleigh Place.

Proposal Description

The proposal is to create 5 townhouses for accommodation for 42 students. Each house would have its own shared bathroom, kitchen/dining room, living room and access to a garden area. Each bedroom would have a bed, storage and study facilities.

The proposal does not include parking but cycle storage and bin stores are provided in the yard to the rear of number 16.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

Number 16 – Change of use from residential to education - GRANTED – 00/00567

Number 18 - Change of use from residential to education - GRANTED – 78/3179

Number 20 – Rear extension GRANTED – 98/00895

Number 22 – Change of use from residential to education – GRANTED – 97/01571

Number 24- Change of use from residential to education - GRANTED – 99/14622

Consultation Responses

Public Protection Unit – No objection subject to an informative regarding land quality

Police Liaison – No objection

Transport – Have no objections, subject to conditions regarding cycle parking and travel plans.

Representations

Nineteen letters of representation have been received. Eighteen of these letters are common to all the University Planning Applications before the Planning Committee today. One additional letter of objection has been received in respect of this application, it raises concern about the level of tree planting. Eighteen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.
- The proposal does not adequately address tree planting on the campus

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation, the standard of accommodation provided, the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

5. The University has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Endsleigh Place will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months to other locations in the central area of the city.

6. It should be noted that the University have confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

7. Furthermore the University suggest that the provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

8. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

9. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down and result in a shortage of accommodation at other times of the year. A restrictive condition is therefore recommended to be imposed limiting use in the summer months to students visiting for the summer. This will help to limit the impact on the vitality of the surrounding area.

10. Although this proposal results in loss of out of date office accommodation in this location, there would be an overall increase in jobs for the city. The proposal is therefore considered to comply with Policy CS05 in this respect.

Impact on the character and appearance of the area

11. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

12. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

13. Proposal CCI6 of the CCUAAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

14. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

15. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

16. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

17. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 59% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

18. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition there vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

19. Officers consider that there is an established policy basis, contained within both the core strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the university campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided, officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

20. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.

21. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

22. In conclusion the benefits of concentrating student accommodation within the campus; and away from the more residential areas of the city is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

23. The application will not necessitate any external changes to the appearance of the building, other than improved landscaping. The high aesthetic quality of the street will therefore be retained. There is no conflict with CS02 in this respect.

Impact on neighbouring amenity

24. Endsleigh Place backs onto houses in Elizabeth Place. Residents here have expressed concern about the loss of amenity to their property due to the proximity of the proposal and loss of privacy and value, in addition to more general comments about the wider impact of the proposals.

25. In terms of loss of privacy, there are no significant additional openings in the rear elevation from which additional overlooking would occur. It is not considered that the use as bedrooms, instead of offices would result in significant loss of amenity to these properties. In addition the angled relationship between the properties would reduce visibility between the properties. There is a small balcony to the rear of the property, but its location is such that it would not significantly increase the impact on neighbours amenity.

26. The residential properties are close to the site; between 12m and 25m due to the angled relationship, which is characteristic of this area. For this reason it has been important to establish a rigorous residents' management plan, for this and the other sites. The applicants have confirmed that the management plan will include the following :

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

27. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

28. These letters and others from surrounding residents also express concern about the potential impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

29. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

30. Officers are confident that waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the Endsleigh Place properties large bin stores would be undesirable in the front garden areas. The refuse would be collected directly from each house in the terrace, by University staff (UPP Residential Services Ltd), and taken to the yard for storage in 1100 litre bins, which would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

31. In terms of noise and general antisocial behaviour, officers consider that a management plan which incorporates the university's existing management measures and improves consultation with neighbours as outlined above, would adequately deal with problems should they arise.

32. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

33. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

34. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

35. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Standard of Accommodation

36. The conversion of Endsleigh Place will create a total of 42 bedspaces within the 5 separate properties. Each property will have a similar layout with communal kitchen and lounge facilities and access to a garden to the rear. It is considered that the communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

37. In addition further communal facilities will be available for future residents of Endsleigh Place in the "Student Hub" at Hepworth House. Hepworth House is also being converted in to student housing with a total of 32 bedrooms being provided. A large proportion of the ground floor, approximately 443m², will create the student hub which will accommodate a dining hall and kitchen facility, reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

38. A range of bedrooms will be provided on the ground and first-floors including twin rooms and single rooms of varying sizes. The properties will house between 5 and 11 people and have been amended to meet the HMO standards in respect of shared bathrooms and bedroom sizes.

39. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

40. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

41. The principle of a car free- development in this location is supported by the highway authority. It is in accordance with the University's established policy of reducing car parking, which benefits from good links with the nearby City Centre and Rail Station.

42. This proposal for 42 bedspaces will provide cycle storage in the order of 1 space per 2 bedspaces, which is in accordance with existing policies.

43. The University operates a Drop of and Pick up strategy which allows for a temporary alteration to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by this application. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a condition is recommended to secure this amendment.

44. Subject to conditions requiring cycle parking and travel plan details the proposal is considered to comply with CS28.

Public Protection Issues

45. The amended Desk Study Report that has been submitted with the application does not raise any contamination concerns. The Public Protection Service has no objection to its findings and therefore no further information regarding land quality is required.

46. There are no concerns regarding air quality for this site.

47. The proposal complies with policy CS22 in respect of public protection and pollution.

Sustainability

48. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a part of the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

49. The proposal does not include any landscaping works other than to improve the gardens to the south of the properties. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. There are no trees affected by the development. The landscaping of these front gardens would result in a significant improvement to the appearance of the terrace. The proposal complies with policies CS18 and CS19 in this respect.

Other Issues

50. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for "significant" applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

51. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

52. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to planning committee in line with the council's scheme of delegation. A local ward councillor was advised to refer the applications to guarantee they would be debated at committee.

53. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

54. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

55. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

56. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £32,357 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

57. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the university provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £5,141.00 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007, The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-EP-PL-SITE-001,338-EP-PL-SITE-002, 338-EP-PL-GA-001, 338-EP-PL-SITE-010,, 338-FR-PL-GA-010 REV A and the 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 31 May 2013**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-EP-PL-SITE-001,338-EP-PL-SITE-002, 338-EP-PL-GA-001, 338-EP-PL-SITE-010,, 338-FR-PL-GA-010 REV A.

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(7) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

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

TRAVEL PLAN

(8) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE STORAGE

(9) No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 20 bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the LPA.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

LANDSCAPE DESIGN PROPOSALS

(10) 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, hard surfacing materials, planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18, CS19 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.

MAINTENANCE SCHEDULE

(12) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(1) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 - To employ a warden who is resident at the property.

3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.

4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with Berkley Square residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE - LAND QUALITY

(4) The Red Rock Geoscience Phase I Geo-Environmental Desk Study Report that has been Not protectively marked submitted with the application identifies potential sources of contamination on site. The report has carried out a preliminary risk assessment of these sources and concluded that there is a low risk. However, the site is outlined for inspection under Part 2A of the Environmental Protection Act and should information come to light that increases this risk ranking the Local Authority may require remediation of contamination in accordance with the above legislation. The risk assessment does not consider any use other than that of the approved development and any change of use should be subject to further risk assessment

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety issues, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012
CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 10

Application Number: 13/00483/FUL

Applicant: University Of Plymouth

Description of Application: Demolition of non-original extension, change of use, conversion and alteration of existing building from University offices and other ancillary uses to provide 46 student bedspaces (within 5 cluster flats) and ancillary warden accommodation, associated communal facilities, refuse and bike store.

Type of Application: Full Application

Site Address: HEPWORTH HOUSE, UNIVERSITY OF PLYMOUTH,
DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

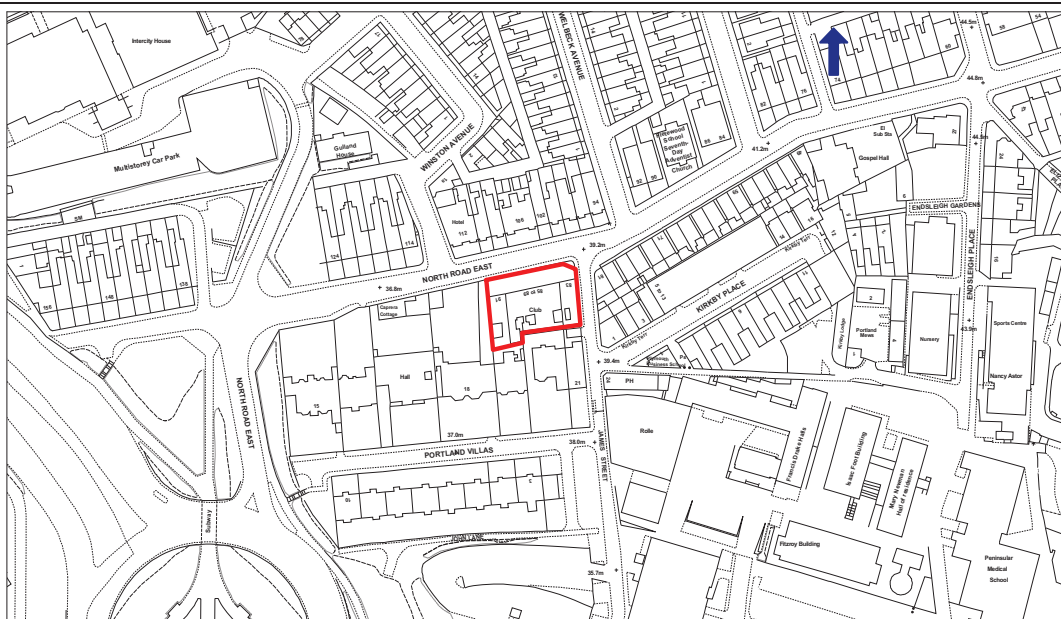
8/13 Week Date: **13/05/2013**

Decision Category: Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

Click for Application Documents: www.plymouth.gov.uk



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This item has been referred to planning committee by Councillor Ricketts.

Site Description

The site is a 19th Century, four storey terraced property, known as Hepworth House, which is located on the northern boundary of the campus, located on the south side of North Road East. It is adjacent to a group of listed properties that form Portland Villas to the west and south. To the east is James Street and the properties in Kirkby Terrace and Kirkby Place.

There is a yard area to the rear, which is accessed from a pedestrian gate on James Street. There is no vehicular access to the property. It is currently used for university academic and support staff accommodation.

Proposal Description

The proposal is to create the ground floor of the property into a student hub with student flats above. The hub would be for use by students living in this unit and other units nearby. This accommodation would comprise, common room space, rooms for societies, laundrette and communal study space/library. The upper floors would be converted into 3 large flats to accommodate 46 students in 33 bedrooms. Each flat would have its own shared bathrooms, kitchen, living room and access to a garden area. Each bedroom would have a bed, storage and study facilities.

The scheme includes the demolition of modern extensions to the rear and includes cycle storage and bin stores in the yard to the rear.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

Public Protection Unit – No objection subject to conditions regarding noise attenuation.

Police Liaison – No objection

Transport – No objections, subject to conditions regarding travel plan and cycle parking.

Representations

Eighteen letters of representation have been received. All of these 18 letters are common to all of the current applications relating to the University before the Planning Committee today. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation, the standard of accommodation provided, sustainability, the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

5. The University has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Hepworth House will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months to other locations in the central area of the city.

6. It should be noted that the University have confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

7. Furthermore the University suggest that provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

8. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

9. Surrounding guest houses and hotels have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down and result in a shortage of accommodation at other times of the year. It is therefore recommended that a restrictive condition will be imposed limiting use in the summer months to students visiting for the summer. This will help to limit the impact on the vitality of the surrounding area.

10. Although this proposal results in loss of out of date office accommodation in this location, there would be an overall increase in jobs for the city. The proposal is therefore considered to comply with Policy CS05 in this respect.

Impact on the character and appearance of the area

11. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

12. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

13. Proposal CCI6 of the CCUAAP supports the university “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

14. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

15. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

16. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

17. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 71% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

18. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition there vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

19. Officers consider that there is an established policy basis, contained within both the core strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University Campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided by the University, officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

20. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.

21. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

22. In conclusion the benefits of concentrating student accommodation within the campus; and away from the more residential areas of the city is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

23. The application proposes external changes by the removal of some of the more modern flat roofed extensions to the rear of the building. This would improve the appearance of the building and provide additional external space. The high aesthetic quality of the street will therefore be retained. There is no conflict with CS02 in this respect.

Impact on neighbouring amenity

24. Hepworth House has boundaries with other properties in the campus. There have been no objections from near neighbours to loss of amenity specifically arising from this proposal.

25. The letters from surrounding residents are concerned about the potential cumulative impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

26. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

27. Waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the Hepworth House large bin stores would be able to be provided in the rear garden areas. The refuse would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

28. In terms of noise and general antisocial behaviour, officers consider that a management plan which incorporates the university's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following :

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

29. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

30. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

31. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a problem which is often associated with students, however many people use North Hill, and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

32. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

33. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Standard of Accommodation

34. The conversion of Hepworth House will create a total of 46 bedspaces within the 3 separate flats. Each flat would have communal kitchen and lounge facilities and access to the rear yard. It is considered that the hub and other communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

35. A large proportion of the ground floor, approximately 443m², will create the student hub which will accommodate a reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

36. A range of bedrooms will be provided on the upper floors including twin rooms and single rooms of varying sizes. The flats will house between 5 and 17 people and have been amended to meet the HMO standards in respect of shared bathrooms. Room sizes meet the standards contained in the HMO guidelines.

37. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

38. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

39. The principle of a car free- development in this location is supported by the highway authority. It is in accordance with the University's established policy of reducing car parking, which benefits from good links with the nearby City Centre and Rail Station.

40. This proposal for 46 bedspaces will provide cycle storage in the order of 1 space per 3 bedspaces, which is lower than existing policies would suggest. The applicants argue that the cycle spaces that exist on campus are under used and additional spaces would remove amenity space. On this basis officers are recommending that the ration of 1 space for every 3 students is acceptable in this location.

41. The University operates a Drop of and Pick up strategy which allows for a temporary alteration to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by this application. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a condition is recommended to secure this amendment.

42. Subject to conditions requiring cycle parking and travel plan details the proposal is considered to comply with CS28.

Public Protection Issues

43. The Desk Study Report that has been submitted with the application does not raise any contamination concerns. The Public Protection Service has no objection to its findings and therefore no further information regarding land quality is required.

44. There are no concerns regarding air quality for this site

45. The main concern for this site in terms of public protection is the level of noise generated from within the development and experienced by the potential occupants of the proposal. Conditions are recommended to limit construction hours, for a management plan to be in place in respect of the conduct of the students and noise attenuation for the building to protect future occupants from noise from the main road and the nearby public house.

46. Subject to conditions the proposal is considered to comply with the requirements of policy CS22 in terms of pollution.

Sustainability

47. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a part of the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

48. The proposal does not include any landscaping works other than to improve the courtyard to the south of the properties. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. There are no trees affected by the development. The landscaping of these rear gardens would result in a significant improvement to the appearance of the area. The proposal complies with policies CS18 and CS19 in this respect.

Other Issues

49. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

50. A number of letters raised concerns that the applications may not be considered by planning committee. Applications are only referred to planning committee in line with the council’s scheme of delegation. A local ward councillor was advised to refer the applications to guarantee they would be debated at committee.

51. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the council's publicity code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

52. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

53. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

54. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

55. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £37,474.00 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

56. 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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the university provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £5,630 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007, The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-HH-PL-SITE-001,338-HH-PL-SITE-002, 338-HH-PL-GA-001, 338-HH-PL-SITE-010,, 338-HH-PL-GA-010 REV.and the 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 31 May 2013**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-HH-PL-SITE-001,338-HH-PL-SITE-002, 338-HH-PL-GA-001, 338-HH-PL-SITE-010,, 338-HH-PL-GA-010 REV.

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(7) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

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

TRAVEL PLAN

(8) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE STORAGE

(9) No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for at least 15 bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the LPA.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

LANDSCAPE DESIGN PROPOSALS

(10) 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, hard surfacing materials, planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18, CS19 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.

MAINTENANCE SCHEDULE

(12) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

NOISE ATTENUATION

(13) Prior to occupation of the development hereby approved the developer must secure all windows within residential units at the front façade of Hepworth House so that they remain closed at all times and provide suitable mechanical ventilation so that the units can comply with the requirements of Condition 1 – Internal Noise Standards.

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

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(1) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.

3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.

4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

6 - Details of the proposed arrivals/departures procedures.

The applicant is encouraged to open and to maintain a dialogue with Berkley Square residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety issues, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space

CS19 - Wildlife
CS05 - Development of Existing Sites
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
NPPF - National Planning Policy Framework March 2012
CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 11

Application Number: 13/00484/FUL

Applicant: University Of Plymouth

Description of Application: Change of use, conversion and alteration from university (education) use to 85 student bedspaces (within 5 townhouses) including 4th floor extension and ancillary warden accommodation, associated communal facilities, refuse and bike store.

Type of Application: Full Application

Site Address: FITZROY, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

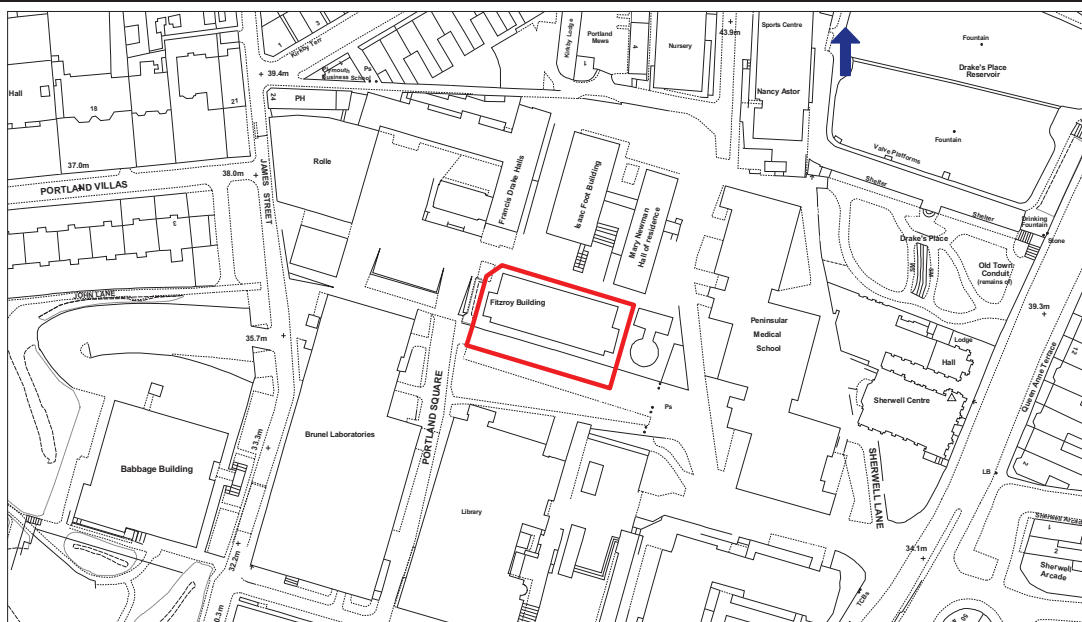
8/13 Week Date: 17/06/2013

Decision Category: Major - more than 5 Letters of Representation received and Member referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This application has been referred to Planning Committee by Cllr Ricketts.

Site Description

The Fitzroy building is a rectangular, 5-storey building located centrally within the main university campus to the west of North Hill. The property was erected in the 1960s and is a typical building of its age with a limited materials palette of concrete cladding and single-glazed metal windows. The top fourth floor is smaller in scale than the rest of the building.

The site is bounded to the north by the taller buildings of Mary Newman and Francis Drake Halls of Residence and the smaller Isaac Foot building which forms one of the other sites currently under consideration for redevelopment. To the south is a university car park with the library beyond. To the west is Portland Square which forms an attractive, landscaped outside space and was upgraded in association with the development of Francis Drake Halls of Residence and the Rolle building.

Proposal Description

Change of use, conversion and alteration from university (education) use to 85 student bedspaces (within 5 townhouses) including 4th floor extension and ancillary warden accommodation, associated communal facilities, refuse and bike store

The development will involve enlarging the fourth floor of the property to match the main footprint of the building. The building will then largely remain as existing with only the existing windows and doors being upgraded. The ground floor of the building will be partially utilised for university use with a warden's flat and large common room occupying the remainder of the floor. Each of the remaining floors will then form a separate unit of accommodation with a large kitchen/dining room and living area and a number of en-suite bedrooms.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bedspaces. Although this building did not form part of the pre-application enquiry the principle of providing more student accommodation on the university campus was supported.

Relevant Planning History

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 885 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

Consultation Responses

Highways Authority – No objections subject to conditions

The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied to address these concerns and the Highways Authority is therefore happy to recommend approval subject to conditions.

Police Architectural Liaison Officer – No objections

Public Protection Service – No objections subject to conditions

The findings of the SRL Noise Report dated 7th March 2013 are noted and as a result conditions are recommended to address the three potential noise sources identified in the report.

Representations

Eighteen letters of representation have been received. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation; the standard of accommodation provided; sustainability; the impact on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has taken the decision to convert the Fitzroy building in to residential use. This decision means that a number of staff currently based within Fitzroy will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months. The University is currently reviewing the most appropriate locations and the availability of office accommodation with the relevant Faculty Business Managers. The requirement for any off-site accommodation not within the control of the University would be the subject of temporary lease agreements and outside the control of planning legislation.

5. It should be noted that the University has confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. In fact a University that recruits students successfully will also in turn aid the recruitment of staff and the retention of the existing 3,000 employees. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

6. Furthermore the University suggest that the provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

7. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the “1000 club” and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

8. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down. A restrictive condition will be imposed limiting use in the summer months to students attending conferences or courses at the university. This will help to limit the impact on the vitality of the surrounding area.

Impact on the character and appearance of the area

9. Officers consider that the proposal will lead to a slight upgrade in the appearance of the building. The property is dated and does appear to require some modernisation. All the windows at the premises will be replaced with high-quality powder coated aluminium units which will improve both the performance and appearance of the building. The extension to the top floor will be simple in form and replicate the building lines of the floors below. The extension will use a mix of both concrete and zinc cladding which will ensure it appears as a modern addition. It is noted that the existing concrete panels will be refurbished which is welcomed and again it is considered by officers that this will help to improve the aesthetics of the area.

10. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

11. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

12. Proposal CCI6 of the CCUAAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

13. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

14. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from eighteen local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

15. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

16. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 Direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. However given the location of the subject property at the heart of the campus 100% of residential properties within 100m of the site are in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

17. In this case, as the property does not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the property forms part of the established University Campus, and is in University ownership the likelihood of the properties becoming market or affordable housing is slim. It is also unlikely that the property would be able to meet the necessary standards to be suitable for permanent occupation.

18. Officers consider that there is an established policy basis, contained within both the Core Strategy and CCUAAP, supporting the provision of additional accommodation on the University Campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the university campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided by the University officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

19. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development

20. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

21. In conclusion, the benefits of concentrating student accommodation within the campus; and away from the more residential areas of the city is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

Impact on neighbouring amenity

22. The Fitzroy building occupies an internal position within the university campus and does not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any properties. However, letters of representation have been received from nearby residents concerned about the potential impact a large influx of students will have on the wider amenity of the area.

23. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

24. Officers are confident that waste management will be carefully managed from the proposed student housing and will be integrated in to existing procedures within the campus. The property does not enjoy the benefit of any amenity space therefore University staff (UPP Residential Services Ltd) will directly collect waste from kitchens, which will reduce the likelihood of litter problems in surrounding streets.

25. Initially a management plan was not submitted to accompany the application. However, given the concerns raised by the local residents, clarification over the management of the property has now been submitted. The University already has a number of halls of residence which are controlled through the Halls of Residence Handbook, the Residence Licence Agreement and ultimately the University Code of Conduct. Officers consider that the management of the accommodation is rigorous and any breach of the regulations could have serious implications for the student which could ultimately result in suspension or expulsion. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the University's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a Licence Agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls Code of Conduct set out in the Student Handbook.

With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

26. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

27. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking of North Hill and to ensure a 24-hr shop is provided on campus. It is not considered by officers that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. The provision of a 24-hr shop on campus is something that may be considered as part of its continued development however it is not necessary. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

28. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

Standard of Accommodation

29. The conversion and extension of the Fitzroy building will create a total of 85 bedspaces arranged in 5 large cluster flats. The ground-floor will retain a proportion of university accommodation with the remainder forming a warden's flat and common room. The first, second and third floors will have an identical layout with 22 en-suite bedrooms being provided alongside a large communal kitchen/dining room and living area. The rooms provided will measure approximately 11.5 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. The new fourth floor will provide 9 larger twin en-suite rooms again together with shared communal facilities. It is considered that the communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

30. It is noted that this application together with concurrent proposals for the campus will increase the population in this locality by over 800 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Highway considerations

31. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus which benefits from good links with the nearby City Centre and Rail Station. There are already around 1700 existing rooms in Halls of residence on the Campus and all the proposals will add a further 888 rooms or 1029 bedspaces.

32. This proposal for 85 bedspaces will involve the refurbishment and extension of the of the existing Fitzroy building. Cycle storage is proposed in the order of 1 space per 2 bedspaces which is in accordance with existing policies. It is noted that some of the cycle parking will be in the yard to the rear of Endsleigh Place, which although not ideal, is acceptable given the highly constrained location of the application site.

33. The University operates a Drop off and Pick up strategy which allows for temporary alterations to parking arrangements and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by the current set of Planning Applications. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a Condition is recommended to secure this amendment.

Public Protection Issues

34. The Public Protection Service notes the findings of the submitted noise report. In order to address the three potential noise sources identified conditions are recommended for hours of construction, management plan and internal noise standards of the accommodation provided.

35. The Public Protection Service notes that inadequate information has been supplied to accompany this application to address land contamination issues. However a number of reports have been submitted previously for adjacent sites and it is known that contamination is not an issue in the area. The Public Protection Service does not therefore require any further work to be carried out. In addition there are no concerns regarding air quality.

Sustainability

36. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority is happy that the report adequately addresses policy CS20 and proposal CC05 of the CCUAAP . The report details that the heating and hot water generation for the refurbishment projects will be configured so that the boiler could be replaced by a district heating heat exchanger to provide heat and hot water for the building. A condition is therefore recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.

Other Issues

37. The University did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

38. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

39. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to Planning Committee in line with the council’s scheme of delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.

40. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council’s Publicity Code. This clearly states how members of the public can comment on the application. The council has made all information available online to ensure people are fully aware of the proposals.

41. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

Local finance considerations

42. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £43,170 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £11,404 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free, student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the character, appearance and vitality of the area and meet the infrastructure needs of the development. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-FR-PL-SITE-001, 338-IFR-PL-SITE-002, 338-IFR-PL-SITE-010, 338-FR-PL-GA-001, 338-FR-PL-GA-002, 338-FR-PL-GA-003, 338-FR-PL-GA-011, 338-FR-PL-GA-010, 338-FR-PL-GA-012, 338-FR-PL-GA-100, 338-FR-PL-GA-101, 338-FR-PL-GA-110, 338-FR-PL-GA-111, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 3 March 2013, Statement of Community Consultation, Ground Investigation Statement, Flood Risk Assessment and Drainage Philosophy dated 13.03.13, Planning Statement Issue 3 dated 13.03.13, Archeology and Heritage Desk-based Assessment Issue 2 dated 14.12.12, Noise Report ref.

C/30466/S15/R01/GDW, Student Drop Off and Pick Up Strategy, Office Staff Decan Strategy, Halls Handbook, Cycle Store Strategy 30.04.13, Cycle Provision 30.04.13, Code of Conduct and General Regulations for Students, Bio-diversity Overview and accompanying Design and Access Statement with Addendum, 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 31 May 2013

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-FR-PL-SITE-001, 338-IFR-PL-SITE-002, 338-IFR-PL-SITE-010, 338-FR-PL-GA-001, 338-FR-PL-GA-002, 338-FR-PL-GA-003, 338-FR-PL-GA-011, 338-FR-PL-GA-010, 338-FR-PL-GA-012, 338-FR-PL-GA-100, 338-FR-PL-GA-101, 338-FR-PL-GA-110, 338-FR-PL-GA-111.

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined Heat and Power (CHP) system. The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with City Centre and University Area Action Plan Proposal CC05 (Enabling Low carbon Development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(7)All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

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

TRAVEL PLAN

(8)The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE PARKING

(9)No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 43no bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

EXTERNAL MATERIALS

(10) 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.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under condition 4 should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and student delegates attending university conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 - To employ a warden who is resident at the property.

3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.

4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

The applicant is encouraged to maintain a dialogue with nearby residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: SRL NOISE REPORT

(4) The SRL Noise Report dated 7th March 2013 that has been submitted with the application recommends glazing to achieve the standards set out in condition 7, however, it states that "glazing and frames are tested in an acoustic laboratory", we recommend these tests are carried out prior to installation of any glazing to avoid difficulties in complying with the requirements of the conditions.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the effect on the character and appearance of the area and parking and highway safety issues, 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 (1) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS19 - Wildlife
- CS20 - Resource Use
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design

AV3 - Plymouth City Centre

SO9 - Delivering Educational Improvements

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012

CCS03 - City Centre and University Area Action Plan

PLANNING APPLICATION REPORT



ITEM: 12

Application Number: I3/00485/FUL

Applicant: University of Plymouth

Description of Application: Change of use, conversion and alteration from university offices to 90 student bedspaces (within 8 townhouses) and associated communal facilities and covered bike store.

Type of Application: Full Application

Site Address: PORTLAND SOUTH, UNIVERSITY OF PLYMOUTH,
DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

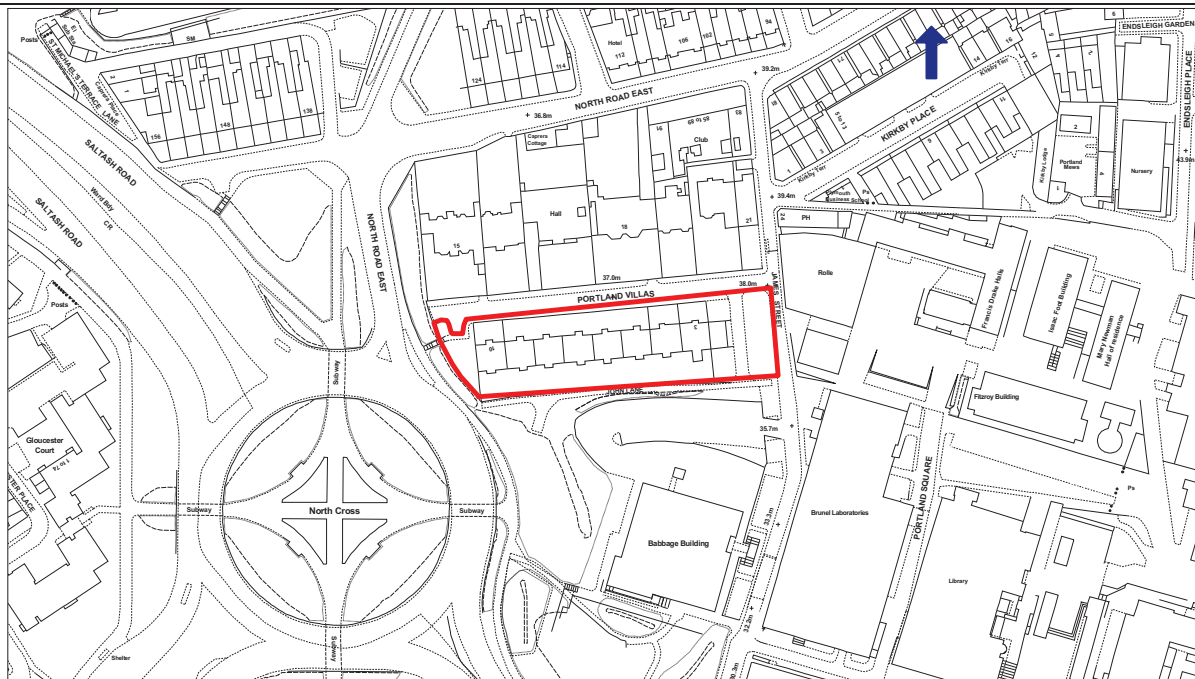
8/13 Week Date: **17/06/2013**

Decision Category: Major - more than 5 Letters of Representation received and Member referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This application has been referred to Planning Committee by Cllr Ricketts.

Site Description

3-10 Portland Villas is a Grade II listed period terrace constructed around the mid-19th Century. The properties have a garden area to the front and rear with a large stone wall forming the rear boundary.

The terrace is located to the north west of the main university campus and is bounded by North Cross roundabout to the west. To the north are similar period properties whilst to the south there is currently a cobbled lane, car park and an area of open space containing some small trees. To the east is James Street and the modern Rolle Building.

Proposal Description

Change of use, conversion and alteration from university offices to 90 student bedspaces (within 8 townhouses) and associated communal facilities and covered bike store.

The proposal is to revert the buildings back to their original residential use with minimal alterations to the historic fabric. The application will involve no alterations to the external appearance of the properties. The properties will be arranged with communal space on the lower ground floor and then bedrooms and bathrooms on the upper floors. There will be a mix of both twin and single rooms provided.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bedspaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There have been numerous applications dating back to 1978 for various minor external and internal alterations at Portland Villas however none are of particular relevance to this application.

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 1029 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

Consultation Responses

Highways Authority – No objections subject to conditions

The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied to address these concerns and the Highways Authority is therefore happy to recommend approval subject to conditions.

Police Architectural Liaison Officer – No objections

Public Protection Service – Recommends Refusal

The SRL Noise Report dated 7th March 2013 that has been submitted with the application states that number 10 Portland Villas cannot be ventilated by open windows and meet the necessary criteria. It also questions whether appropriate mitigation can be implemented due to the listed status of the buildings. This department cannot support the application until the applicant demonstrates that appropriate noise mitigation can be provided for the development.

Representations

Nineteen letters of representation have been received. Eighteen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have

- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation; the standard of accommodation provided; the impact on the fabric of the listed building; sustainability; the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices do not provide contemporary office accommodation; they create dislocation from other academic and professional services groups and functions; there are problems with floor loadings and in achieving effective space utilisation and functionality; although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

5. The University has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Portland Villas will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months. The University is currently reviewing the most appropriate locations and the availability of office accommodation with the relevant Faculty Business Managers. The requirement for any off-site accommodation not within the control of the University would be the subject of temporary lease agreements and outside the control of planning legislation.

6. It should be noted that the University has confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. In fact a University that recruits students successfully will also in turn aid the recruitment of staff and the retention of the existing 3,000 employees. Careful consideration will be given to which staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

7. Furthermore the University suggest that the provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

8. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

9. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down. It is therefore recommended that a restrictive condition is imposed limiting use in the summer months to students attending conferences or courses at the university. This will help to limit the impact on the vitality of the surrounding area.

Impact on the character and appearance of the area

10. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

11. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

12. Proposal CCI6 of the CCUAAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

13. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

14. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from eighteen local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

15. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

16. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the University would result in approximately 86% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

17. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition there vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

18. Officers consider that there is an established policy basis, contained within both the Core Strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University Campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided by the University officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

19. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development

20. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

21. In conclusion the benefits of concentrating student accommodation within the campus; and away from the more residential areas of the city is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

22. The application will not necessitate any external changes to the appearance of the building. The high aesthetic quality of the street will therefore be retained.

Impact on neighbouring amenity

23. Portland Villas occupy an internal position within the university campus and do not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any properties. However, letters of representation have been received from other surrounding residents concerned about the potential impact a large influx of students will have on the wider amenity of the area.

24. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

25. Officers are confident that waste management will be carefully managed from the proposed student housing and will be integrated in to existing procedures within the campus. As a result of the listed status of the properties large bin stores would be undesirable in the garden areas. University staff (UPP Residential Services Ltd) will therefore directly collect waste from kitchens, which will reduce the likelihood of litter problems in surrounding streets.

26. Initially a management plan was not submitted to accompany the application. However, given the concerns raised by the local residents, clarification over the management of the property has now been submitted. The University already has a number of halls of residence which are controlled through the Halls of Residence Handbook, the Residence Licence Agreement and ultimately the University Code of Conduct. Officers consider that the management of the accommodation is rigorous and any breach of the regulations could have serious implications for the student which could ultimately result in suspension or expulsion. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the University's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

27. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

28. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking of North Hill and to ensure a 24-hr shop is provided on campus. It is not considered by officers that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime, however many people use North Hill, and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. The provision of a 24-hr shop on campus is something that may be considered as part of its continued development however it is not necessary. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

29. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

Standard of Accommodation

30. The conversion of 3-10 Portland Villas will create a total of 90 bedspaces within the 8 separate properties. Each property will have a similar layout with the communal kitchen and lounge facilities being located on the lower ground floor with direct access to the walled garden to the rear. It is considered that the communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

31. In addition further communal facilities will be available for future residents of Portland Villas in the "Student Hub" at Hepworth House. Hepworth House is also being converted in to student housing with a total of 32 bedrooms being provided. A large proportion of the ground floor, approximately 443m², will create the student hub which will accommodate a dining hall and kitchen facility, reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

32. A range of bedrooms will be provided on the ground and first-floors including twin rooms and single rooms of varying sizes. The smallest rooms provided will still measure approximately 10 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. The properties will house between 11 and 12 people. Initially concerns were raised about the number of bathrooms proposed to serve the properties. However, amendments have been possible without the need to make large internal changes to the property. It is now considered that the balance of bathrooms to residents is acceptable and future residents will still enjoy a good balance between communal and private space with the added benefit of an attractive outside amenity area.

33. It is noted that this application together with concurrent proposals for the campus will increase the population in this locality by over 800 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Highway considerations

34. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus which benefits from good links with the nearby City Centre and Rail Station. There are already around 1700 existing rooms in Halls of residence on the Campus and all the proposals will add a further 888 rooms or 1029 bedspaces.

35. This proposal for 90 bedspaces will involve the refurbishment of the existing Portland Villas building. Cycle storage is proposed in the order of 1 space per 3 bedspaces, 30 spaces in total which is less than required by existing policies set out in the Development Guidelines SPD which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 15 spaces.

36. The Applicant points out that given the listed status of the property providing cycle parking at the required standard would be difficult without impacting on the character and fabric of the building. Therefore, in this case, it is considered that a reduction in the cycle parking standard is justified and will not detract from the sustainable, car-free approach for the campus. A condition will be imposed requesting further details of the cycle storage arrangements, this will also allow the exact positioning of the facilities to be agreed to prevent any detrimental harm to the character of the building.

37. The University operates a Drop off and Pick up strategy which allows for temporary alterations to parking arrangements and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by the current set of Planning Applications. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a Condition is recommended to secure this amendment.

38. In addition there is a need to improve waymarking and signage around the Campus to assist students to locate nearby facilities such as the railway station and city centre. It is suggested therefore that a waymarking strategy be implemented in order to provide the necessary signage and improve pedestrian links to and within the campus. Such signs would be of a similar style to those already provided elsewhere, however the increase in student numbers on the campus particularly at the western end would provide further justification for this measure.

Public Protection Issues

39. The Public Protection Service notes that 10 Portland Villas, which is situated at the western end of the terrace, closest to North Cross Roundabout, cannot be ventilated by open windows and meet the necessary noise standards. If windows have to be shut to meet the required noise levels then alternative means of ventilation should normally be provided. However, as the properties are listed installing trickle vents or alternative means of ventilation would not be welcomed. The noise standards will not be exceeded by a significant amount and it will be the choice of future residents whether they have the windows open. In addition, as the properties will be occupied by a transient student population, it is considered that the potential harm to occupiers' quality of life will be reduced. A noise condition is however recommended to ensure those properties that can meet the necessary standards achieve this and to ensure all avenues are explored to improve standards at No.10.

40. The Red Rock Geoscience Phase I Geo-environmental Desk Study Report dated December 2012 that has been submitted with the application does not raise any concerns. The Public Protection Service is happy with its findings and therefore no further information regarding land quality is required. There are also no concerns regarding air quality.

Sustainability

41. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority IS happy that the report adequately addresses policy CS20 and proposal CC05 of the CCUAAP . The report details that the heating and hot water generation for the refurbishment projects will be configured so that the boiler could be replaced by a district heating heat exchanger to provide heat and hot water for the building. A condition is therefore recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.

Other Issues

42. The university did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for "significant" applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

43. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

44. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to Planning Committee in line with the Council's Scheme of Delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.

45. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The Council has made all information available online to ensure people are fully aware of the proposals.

46. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

Local finance considerations

47. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £84,421 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £11,016 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free, student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the character, appearance and vitality of the area and meet the infrastructure needs of the development. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-PVS-PL-SITE-002, 338-PVS-PL-SITE-010, 338-PVS-PL-GA-001, 338-PVS-PL-GA-010 Rev A, Phase 1 Geo-environmental Desk Study Report ref. RP5464-B, Noise Report ref. C/30466/S08/R01c/GDW, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 3 March 2013, Statement of Community Consultation, Flood Risk Assessment and Drainage Philosophy dated 07.12.12, Planning Statement Issue 3 dated 13.03.13, Archeaology and Heritage Desk-based Assessment Issue 2 dated 14.12.12, Student Drop Off and Pick Up Strategy, Office Staff Decan Strategy, Halls Handbook, Cycle Store Strategy 30.04.13, Cycle Provision 30.04.13, Code of Conduct and General Regulations for Students, Bio-diversity Overview and accompanying Design and Access Statement with Addendum, 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 31 May 2013**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-PVS-PL-SITE-002, 338-PVS-PL-SITE-010, 338-PVS-PL-GA-001, 338-PVS-PL-GA-010 Rev A

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined Heat and Power (CHP) system. The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with City Centre and University Area Action Plan Proposal CC05 (Enabling Low carbon Development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(7)Nos 3-9 Portland Villas shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Further information shall be submitted to and approved in writing by the Local Planning Authority detailing the noise levels which can be achieved at No. 10 Portland Villas. Full consideration shall be given to all mitigation measures which could improve internal levels at the property to meet the reasonable and good room criteria.

Reason:

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

TRAVEL PLAN

(8)The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE PARKING

(9) No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 30 no bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

PEDESTRIAN SIGNING STRATEGY

(10) Prior to commencement of development details shall be submitted to the Local Planning Authority of a signing strategy for the campus indicating suitable waymarking for pedestrians both accessing the site and walking within the site details of which are to be agreed in writing. The details of such a strategy shall be implemented prior to occupation of the development hereby approved.

Reason:

In order to promote walking as a means of travel to and from the campus in accordance with CS 28 of the Core Strategy.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under condition 4 should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and student delegates attending university conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.

3 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

4 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

The applicant is encouraged to maintain a dialogue with nearby residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety issues, 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 (1) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS05 - Development of Existing Sites
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- AV3 - Plymouth City Centre

CS15 - Housing Provision

SO9 - Delivering Educational Improvements

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012

CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 13

Application Number: 13/00486/LBC

Applicant: University of Plymouth

Description of Application: Internal alterations to provide 90 student bedspaces (within 8 townhouses) and associated communal facilities and covered bike store.

Type of Application: Listed Building

Site Address: PORTLAND SOUTH, UNIVERSITY OF PLYMOUTH,
DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

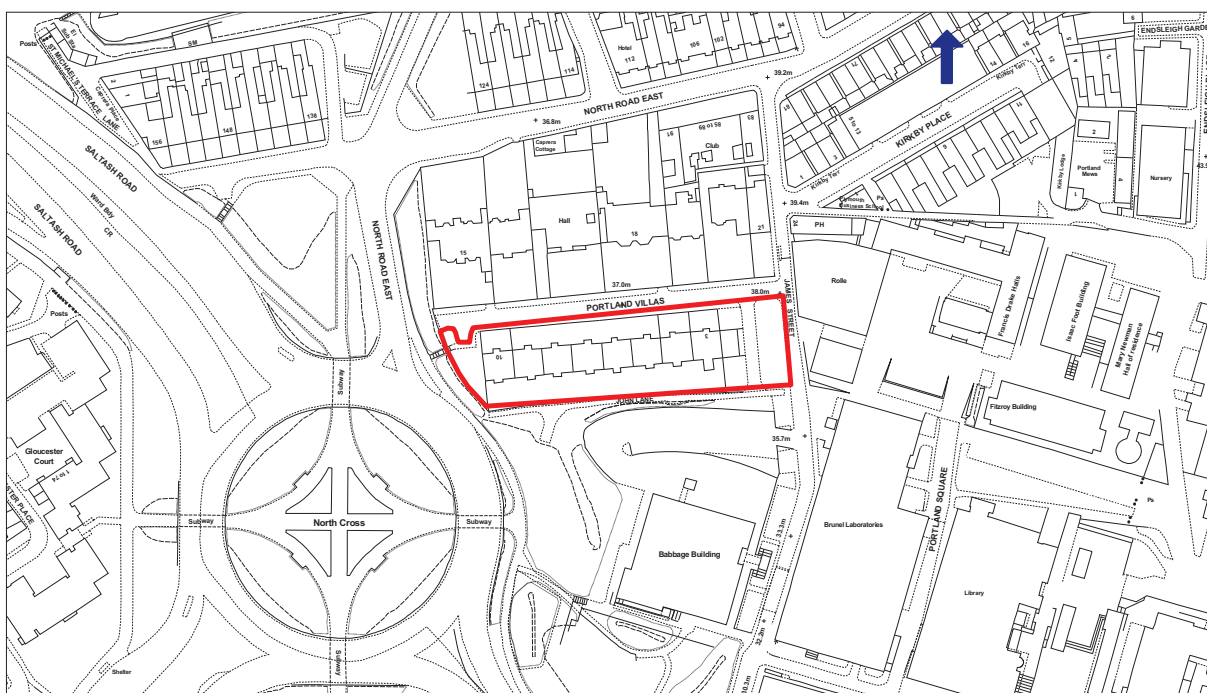
8/13 Week Date: **13/05/2013**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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This application has been referred to Planning Committee by Cllr Ricketts.

Site Description

3-10 Portland Villas are a Grade II listed period terrace constructed around the mid-19th century. The properties have garden areas to the front and rear with a large stone wall forming the rear boundary.

The terrace is located to the north west of the main university campus and is bounded by North Cross roundabout to the west. To the north are similar period properties whilst to the south there is currently a cobbled lane, car park and an area of open space containing some small trees. To the east are James Street and the modern Rolle Building.

Proposal Description

Change of use, conversion and alteration from university offices to 90 student bedspaces (within 8 townhouses) and associated communal facilities and covered bike store.

The proposal is to revert the buildings back to their original residential use with minimal alterations to the historic fabric. The application will involve no alterations to the external appearance of the properties. The properties will be arranged with communal space on the lower ground floor and then bedrooms and bathrooms on the upper floors. There will be a mix of both twin and single rooms provided.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bedspaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 885 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

Consultation Responses

No external consultations requested or received.

Representations

Nineteen letters of representation have been received. Eighteen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already

- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policy CS03 (Historic Environment) of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document 2010. Appropriate consideration has also been given to the National Planning Policy Framework 2012.
2. The main planning consideration is the effect on the character and fabric of the listed building, as detailed below.
3. Since Portland Villas original construction as dwellings for family and servants, they have undergone a number of changes, including being subdivided into flats, and then most recently being used by the university as academic and administrative spaces. Despite this, significant numbers of original features survive, including tiled vestibules, stair and door furniture and windows.

4. The development has the potential to impact on the internal fabric and integrity of the buildings. Proposed works include the subdivision of rooms and the insertion of capsules/pods to provide en-suite facilities for residents, in line with modern requirements. Overall a “light touch” approach has been adopted, in order to prevent any unnecessary work, and this is welcomed. Few “new” partitions are proposed with the current layout largely being retained. In addition the blocking up of more ‘recent’ openings in the original party walls is very much welcomed which will reinstate the separation between the individual dwellings. In this instance no recording of the openings is necessary.

5. The drawings are unfortunately lacking in specific detail but do show generic approaches to the insertion of openings, the blocking of others and removal of existing partitions and insertion of new. In principle these approaches are acceptable but all openings where original should be maintained visually, with architraves and archways, quoin beads etc retained and the new blocking up and plaster finishes set back. In addition where at all possible the original panelled doors should be re-used elsewhere. Furthermore new ceiling cornices should be inserted to match existing to the former ‘new’ separating partitions on the bedrooms side of the partition if the cornices are plain or decorative in the principal rooms. It is accepted that the ceilings may need to be lowered above the bathrooms to accommodate some plumbing and extraction as the bathrooms are one above the other on ground and first floors, but this is not shown on the drawings and will therefore be requested via condition. New lengths of skirting and architraves should also match the existing pattern and again this will be conditioned.

6. The new use as student housing will also necessitate associated plumbing, drainage and ventilation, which can raise issues. It is welcome that the new kitchens are all on the lower ground floor in the more subservient rooms to the former dwellings. However the insertion of bathrooms to the upper floors, albeit most within existing compartments, will necessitate careful consideration of plumbing and drainage runs alongside ventilation extraction/ducts etc. Further details will again therefore be requested via condition

7. Fire precautions will inevitably be more strenuous with provision of living accommodation compared to offices and there is possibly a requirement under building regulations for upgrading the fire resistance including that of the original doors (if not already upgraded for the previous use) , the provision of horizontal separation between floors and protection of staircases. Details of fire precautionary measures will be requested as part of the conditions. Fire separation should be carried out within the floor construction zone and above the floor-boarding where decorative ceilings exist. Normally the undergirding of decorative plaster ceilings will not be acceptable.

8. It is also possible that sound and thermal insulation measures may be required and again if so then these details will be provided as part of the condition discharge process.

9. Existing historic floor tiles in vestibules, and original floor-boarding should be retained together with existing staircases and existing original fireplaces.

10. Internal refurbishment will also include electrical works to ensure safety and appropriate access to IT services. This work will include the removal of live and redundant cabling that currently includes unsightly bunches that detract from the appearance of the hallways, and the running of new cabling within the walls, where possible. Currently the cabling presents an intrusive visual element, in the entrance halls of a number of the properties, and detracts from their otherwise well-preserved appearance that reflects the quality of the villas when originally constructed and occupied in the 19th century. The removal of cabling will enhance the internal quality of the properties.

11. Externally, few changes are proposed. However the accompanying Design and Access Statement does suggest that a number of non-original external doors and windows will be replaced. It is suggested that the replacement of the visually intrusive doors and windows with materials and styles more in keeping with the terrace would be an enhancement, and while this may be the case, no details have been provided. Further information will therefore be requested via condition.

12. To the rear of the properties changes will be minimal, including the removal of modern greenhouses and dog pens, which is considered acceptable. However again no details are provided of the proposed cycle storage and this would need to be agreed through the condition discharge process.

13. The Grade II listed wall that backs onto John Lane will not be affected but it may require consolidation and repair in places, details of which will need to be agreed with the Local Planning Authority.

14. It also appears that the two secure gates shown in the listed garden wall at each end are new although not stated as such. Further details of their size, construction and materials will again be requested via condition

15. A number of points have been raised in the letters of representation received. This application can only consider the impact of the proposal on the character and appearance of the listed building therefore the issues raised will be thoroughly considered in the accompanying planning application.

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.

Section 106 Obligations

The associated planning application for this site will make infrastructure contributions to mitigate the impacts of the development.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The change of use and refurbishment of Portland Villas will adopt a "light touch" approach which will ensure the historic character and fabric of the properties is preserved and enhanced. The application is therefore recommended for approval.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-PVS-PL-SITE-002, 338-PVS-PL-SITE-010, 338-PVS-PL-GA-001, 338-PVS-PL-GA-010 Rev A, Phase 1 Geo-environmental Desk Study Report ref. RP5464-B, Noise Report ref. C/30466/S08/R01c/GDW, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 2 March 2013, Statement of Community Consultation, Flood Risk Assessment and Drainage Philosophy dated 07.12.12, Planning Statement Issue 3 dated 13.03.13, Archeology and Heritage Desk-based Assessment Issue 2 dated 14.12.12 and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

APPROVED PLANS [LISTED BUILDING CONSENT]

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: 338-PVS-PL-SITE-002, 338-PVS-PL-SITE-010, 338-PVS-PL-GA-001, 338-PVS-PL-GA-010 Rev A

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NEW PARTITIONS

(3) No works shall take place until details of the proposed new partitions have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed partitions. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING DETAILS

(4) No works shall take place until details for blocking existing openings or creating new openings have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FIRE PROTECTION

(5) No works shall take place until details of any fire protection methods have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOUND INSULATION

(6) No works shall take place until details of any sound insulation methods have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BATHROOMS AND KITCHENS

(7) No works shall take place until details of the proposed plumbing, drainage and extraction equipment to be installed in association with any new bathrooms and kitchens have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BATHROOM PODS

(8) No works shall take place until details of the proposed new bathroom pods have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material, finish and method of fixing to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GARDEN WALL

(9) No works shall take place until details of the proposed repairs and new openings to the garden wall have been submitted to and approved in writing by the Local Planning Authority. The said details shall include a schedule for all repairs and information of the design, method of construction, material and finish of the proposed new gates. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL JOINERY DETAILS

(10) No works shall take place until a schedule of all external joinery details (with cross sections at 1:5 scale and 1:1 moulding details) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INTERNAL JOINERY DETAILS

(11) All new joinery to be installed including skirtings and architraves shall replicate existing patterns and designs.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CEILING CORNICES

(12) All new ceiling cornices to be installed shall replicate existing patterns and designs.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IRONMONGERY

(13) No works shall take place until details of the proposed ironmongery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the effect on the Listed Building, 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 works are acceptable and comply with (1) 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012

PLANNING APPLICATION REPORT



ITEM: 14

Application Number: I3/00487/FUL

Applicant: University of Plymouth

Description of Application: Change of use, conversion and alteration from 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities, cafeteria, bike store and non-residential university accommodation.

Type of Application: Full Application

Site Address: PORTLAND NORTH, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

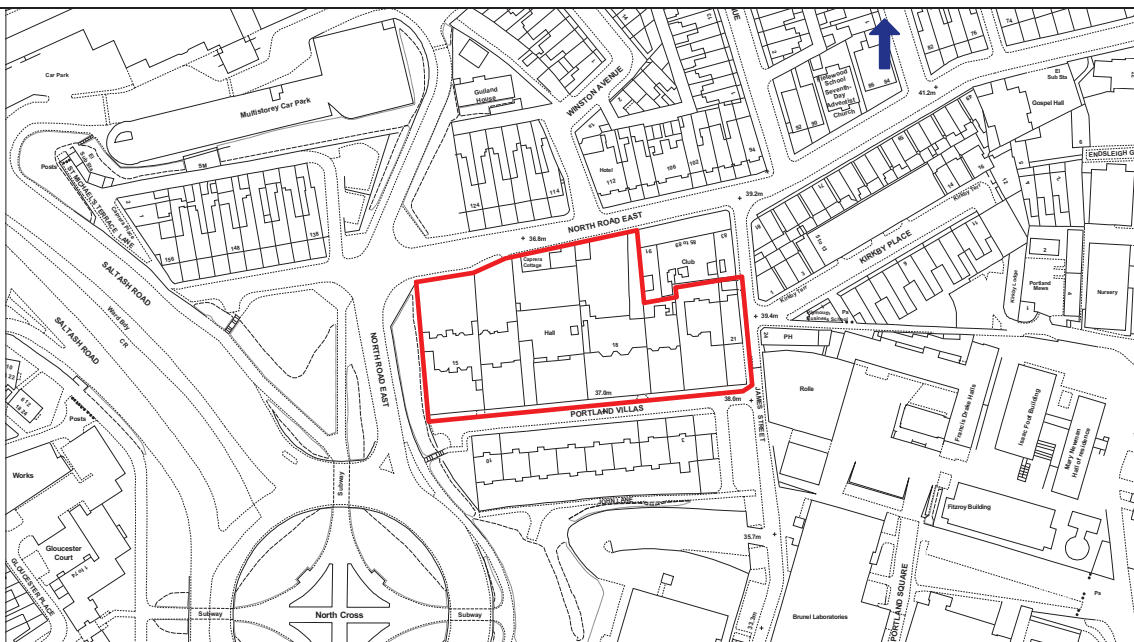
8/13 Week Date: **17/06/2013**

Decision Category: Major - more than 5 Letters of Representation received and Member referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

Click for Application Documents: www.plymouth.gov.uk



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This application has been referred to Planning Committee by Cllr Ricketts.

Site Description

15-21 Portland Villas are Grade II listed period properties constructed around the mid- 19th century. The properties have gardens to the front with a further amenity area to the rear of 15-18.

The terrace is located to the north west of the main university campus and is bounded by North Cross roundabout to the west and North Road east to the rear. To the east is James Street and the modern Rolle Building.

Proposal Description

Change of use, conversion and alteration to form 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities, cafeteria, bike store and non-residential University accommodation.

The proposal will return the properties largely back in to residential use although University accommodation will be retained within the former chapel of No. 17. Each property will have a different layout with a mix of both twin and single rooms provided. No alterations to the external fabric of the property will be undertaken.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bedspaces. No plans were provided for this site although the principal of conversion was accepted.

Relevant Planning History

There have been numerous applications dating back to 1978 for various minor external and internal alterations at Portland Villas however none are of particular relevance to this application.

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 1029 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

Consultation Responses

Highways Authority – No objections subject to conditions

The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied to address these concerns and the Highways Authority is therefore happy to recommend approval subject to conditions.

Police Architectural Liaison Officer – No objections

Public Protection Service – Recommends Refusal

The SRL Noise Report dated 7th March 2013 that has been submitted with the application states that numbers 15, 20 and 21 Portland Villas cannot or may not be able to achieve the appropriate noise criteria.

Representations

Nineteen letters of representation have been received in respect of this application. Eighteen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.

2. The main planning considerations are: the loss of the office/academic accommodation; the standard of accommodation provided; the impact on the fabric of the listed building; sustainability; the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

Employment considerations

3. Policy CS05 indicates that the development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: the offices do not provide contemporary office accommodation; they create dislocation from other academic and professional services groups and functions; there are problems with floor loadings and in achieving effective space utilisation and functionality; although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

5. The University has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Portland Villas will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months. The University is currently reviewing the most appropriate locations and the availability of office accommodation with the relevant Faculty Business Managers. The requirement for any off-site accommodation not within the control of the University would be the subject of temporary lease agreements and outside the control of planning legislation.

6. It should be noted that the University have confirmed that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. In fact a University that recruits students successfully will also in turn aid the recruitment of staff and the retention of the existing 3,000 employees. Careful consideration will be given to which staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the University.

7. Furthermore the University suggest that provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

8. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the “1000 club” and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

9. Surrounding hotels and guest houses have raised concerns that if the accommodation is allowed to be occupied by the general public in the summer months it will have a detrimental effect on their trade and could result in many businesses closing down. It is therefore recommended that a restrictive condition is imposed limiting use in the summer months to students attending conferences or courses at the university. This will help to limit the impact on the vitality of the surrounding area.

Impact on the character and appearance of the area

10. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was written with the support of the Council and together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the City Centre and University Area Action Plan. (CCUAAP).

11. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

12. Proposal CCI6 of the CCUAAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”

13. These applications would support the principles of the Core Strategy and CCUAAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.

14. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from eighteen local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area .

15. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.

16. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the University would result in approximately 86% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

17. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account that the properties form part of the established university campus, and are in university ownership the likelihood of the properties becoming market or affordable housing is slim. In addition there vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

18. Officers consider that there is an established policy basis, contained within both the Core Strategy and CCUAAP, supporting the provision of additional accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 Direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University Campus which already has a very different character than the surrounding residential streets. In addition, based on the information provided by the University officers consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

19. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development

20. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

21. In conclusion the benefits of concentrating student accommodation within the campus; and away from the more residential areas of the city is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CC16 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

22. The application will not necessitate any external changes to the appearance of the building. The high aesthetic quality of the street will therefore be retained.

Impact on neighbouring amenity

23. Portland Villas occupy an internal position within the university campus and do not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any properties. However, letters of representation have been received from other surrounding residents concerned about the potential impact a large influx of students will have on the wider amenity of the area.

24. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.

25. Officers are confident that waste management will be carefully managed from the proposed student housing and will be integrated in to existing procedures within the campus. As a result of the listed status of the properties large bin stores would be undesirable in the garden areas. University staff (UPP Residential Services Ltd) will therefore directly collect waste from kitchens, which will reduce the likelihood of litter problems in surrounding streets.

26. Initially a management plan was not submitted to accompany the application. However, given the concerns raised by the local residents, clarification over the management of the property has now been submitted. The University already has a number of halls of residence which are controlled through the Halls of Residence Handbook, the Residence Licence Agreement and ultimately the University Code of Conduct. Officers consider that the management of the accommodation is rigorous and any breach of the regulations could have serious implications for the student which could ultimately result in suspension or expulsion. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the University's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:

- 24 hour complaints procedure with the police.
- University security are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.

27. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However these issues would need to be dealt with by the police and cannot be addressed through the planning process.

28. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking of North Hill and to ensure a 24-hr shop is provided on campus. It is not considered that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. Littering is a crime, and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. The provision of a 24-hr shop on campus is something that may be considered as part of its continued development however it is not necessary. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

29. In conclusion, it is considered that the location of the development on the main campus where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

Standard of Accommodation

30. The conversion of 15-21 Portland Villas will create a total of 90 bedspaces within the 8 separate properties. Each property will have a varied layout due to the individual design of each building. Communal kitchen and lounge facilities will be located on the ground floor of each area. It is considered that the communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

31. In addition further communal facilities will be available for future residents of Portland Villas in the "Student Hub" at Hepworth House. Hepworth House is also being converted in to student housing with a total of 32 bedrooms being provided. A large proportion of the ground floor, approximately 443m², will create the student hub which will accommodate a dining hall and kitchen facility, reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

32. A range of bedrooms will be provided on the ground and upper floors including twin rooms and single rooms of varying sizes. The smallest rooms provided will still measure over 9 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. The properties will house between 6 and 18 people. Initially concerns were raised about the number of bathrooms proposed to serve the properties. However, amendments have been possible without the need to make large internal changes to the property. It is now considered that the balance of bathrooms to residents is acceptable and future residents will enjoy a good balance between communal and private space.

33. It is noted that this application together with concurrent proposals for the campus will increase the population in this locality by over 800 people. However it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Highway considerations

34. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus which benefits from good links with the nearby City Centre and Rail Station. There are already around 1700 existing rooms in Halls of residence on the Campus and all the proposals will add a further 888 rooms or 1029 bedspaces.

35. This proposal for 90 bedspaces will involve the refurbishment of the existing Portland Villas building. Cycle storage is proposed in the order of 1 space per 3 bedspaces, 30 spaces in total which is less than required by existing policies set out in the Development Guidelines SPD which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 15 spaces.

36. The Applicant points out that given the listed status of the property providing cycle parking at the required standard would be difficult without impacting on the character and fabric of the building. Therefore, in this case, it is considered that a reduction in the cycle parking standard is justified and will not detract from the sustainable, car-free approach for the campus. A condition will be imposed requesting further details of the cycle storage arrangements, this will also allow the exact positioning of the facilities to be agreed to prevent any detrimental harm to the character of the building.

37. The University operates a Drop off and Pick up strategy which allows for temporary alterations to parking arrangements and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this Strategy and how this would need to change to accommodate the increase in students envisaged by the current set of Planning Applications. It is recommended that this Drop Off and Pick Up Strategy should form part of the existing University Travel Plan for the whole campus and a Condition is recommended to secure this amendment.

38. In addition there is a need to improve waymarking and signage around the Campus to assist students to locate nearby facilities such as the railway station and city centre. It is suggested therefore that a waymarking strategy be implemented in order to provide the necessary signage and improve pedestrian links to and within the campus. Such signs would be of a similar style to those already provided elsewhere, however the increase in student numbers on the campus particularly at the western end would provide further justification for this measure.

Public Protection Issues

39. The Public Protection Service notes that 15 Portland Villas, which is situated at the western end of the terrace, closest to North Cross Roundabout, cannot be ventilated by open windows and meet the necessary noise standards. If windows have to be shut to meet the required noise levels then alternative means of ventilation should normally be provided. However, as the properties are listed installing trickle vents or alternative means of ventilation would not be welcomed. The noise standards will not be exceeded by a significant amount and it will be the choice of future residents whether they have the windows open. In addition, as the properties will be occupied by a transient student population, it is considered that the potential harm to occupiers' quality of life will be reduced. A noise condition is however recommended to ensure those properties that can meet the necessary standards achieve this and to ensure all avenues are explored to improve standards at No.15.

40. It is noted that the accompanying noise survey also suggests that rooms in the flank wall of 21 Portland Villas should be social spaces to prevent disturbance to future occupiers from the adjacent public house. Unfortunately given the size and listed nature of the property this is not possible. It is considered that any potential disturbance would be minimal given the limited size of the public house and lack of outside space. It is not considered that this matter could warrant refusal of the application.

41. The Red Rock Geoscience Phase I Geo-environmental Desk Study Report dated December 2012 that has been submitted with the application does not raise any concerns. The Public Protection Service is happy with its findings and therefore no further information regarding land quality is required. In addition there are no concerns regarding air quality.

Sustainability

42. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority is happy that the report adequately addresses policy CS20 and proposal CC05 of the CCUAAP . The report details that the heating and hot water generation for the refurbishment projects will be configured so that the boiler could be replaced by a district heating heat exchanger to provide heat and hot water for the building. A condition is therefore recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.

Other Issues

43. The University did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for "significant" applications of over 150 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

44. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.

45. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to planning committee in line with the council's scheme of delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.

46. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The Council has made all information available online to ensure people are fully aware of the proposals.

47. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

48. It is noted that the submitted Design and Access Statement indicates that tree works may take place to some of the trees at the front of the properties. No details have been provided and the trees do form an important feature of the setting of these historic properties. It is therefore recommended that further details are submitted and agreed with the Local Planning Authority prior to work starting on site.

Local finance considerations

49. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £103,608 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £11,016 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free, student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the character, appearance and vitality of the area and meet the infrastructure needs of the development. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011, Phase 1 Geo-environmental Desk Study Report ref. RP5464-B, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 3 March 2013, Statement of Community Consultation, Flood Risk Assessment and Drainage Philosophy dated 12.03.13, Planning Statement Issue 3 dated 13.03.13, Archeaology and Heritage Desk-based Assessment Issue 2 dated 14.12.12, Student Drop Off and Pick Up Strategy, Office Staff Decant Strategy, Halls Handbook, Cycle Store Strategy 30.04.13, Cycle Provision 30.04.13, Code of Conduct and General Regulations for Students, Bio-diversity Overview, and accompanying Design and Access Statement with Addendum, 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 31 May 2013.**

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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 338-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011

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.

STUDENT USE RESTRICTION

(3) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by student delegates attending university conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(4) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined Heat and Power (CHP) system. The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with City Centre and University Area Action Plan Proposal CC05 (Enabling Low carbon Development) of the City Centre.

HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE

(7) No.s 16-19 Portland Villas shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB Laeq for living rooms and not exceeding 35 dB Laeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB Laeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Further information shall be submitted to and approved in writing by the Local Planning Authority detailing the noise levels which can be achieved at No.s 15, 20 and 21 Portland Villas. Full consideration shall be given to all mitigation measures which could improve internal levels at the property to meet the reasonable and good room criteria.

Reason:

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

TRAVEL PLAN

(8)The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

CYCLE STORAGE

(9)No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 30no bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

PEDESTRIAN SIGNING STRATEGY

(10)Prior to commencement of development details shall be submitted to the Local Planning Authority of a signing strategy for the campus indicating suitable waymarking for pedestrians both accessing the site and walking within the site details of which are to be agreed in writing. The details of such a strategy shall be implemented prior to occupation of the development hereby approved.

Reason:

In order to promote walking as a means of travel to and from the campus in accordance with CS 28 of the Core Strategy.

TREE WORKS

(11)Prior to commencement of development further details shall be submitted to and approved in writing by the Local Planning Authority of any works to the trees to the front of 15-21 Portland Villas. The works shall be carried out strictly in accordance with the approved details.

Reason:

In order to protect the character and appearance of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under condition 4 should comprise the following elements:-

1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and student delegates attending university conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.

3 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

4 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

The applicant is encouraged to maintain a dialogue with nearby residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The applicant should be aware that the development lies within a resident parking permit scheme which is currently oversubscribed. As such the development will be excluded from obtaining permits, visitor tickets and business permits for use within the scheme.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant, including pre-application discussions, and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety issues, 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 (1) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS05 - Development of Existing Sites
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- AV3 - Plymouth City Centre
- CS15 - Housing Provision
- SO9 - Delivering Educational Improvements
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- CCS03 - City Centre and University Area Action Plan

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PLANNING APPLICATION REPORT



ITEM: 15

Application Number: 13/00488/LBC

Applicant: University of Plymouth

Description of Application: Internal alterations to provide 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities

Type of Application: Listed Building

Site Address: PORTLAND NORTH, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

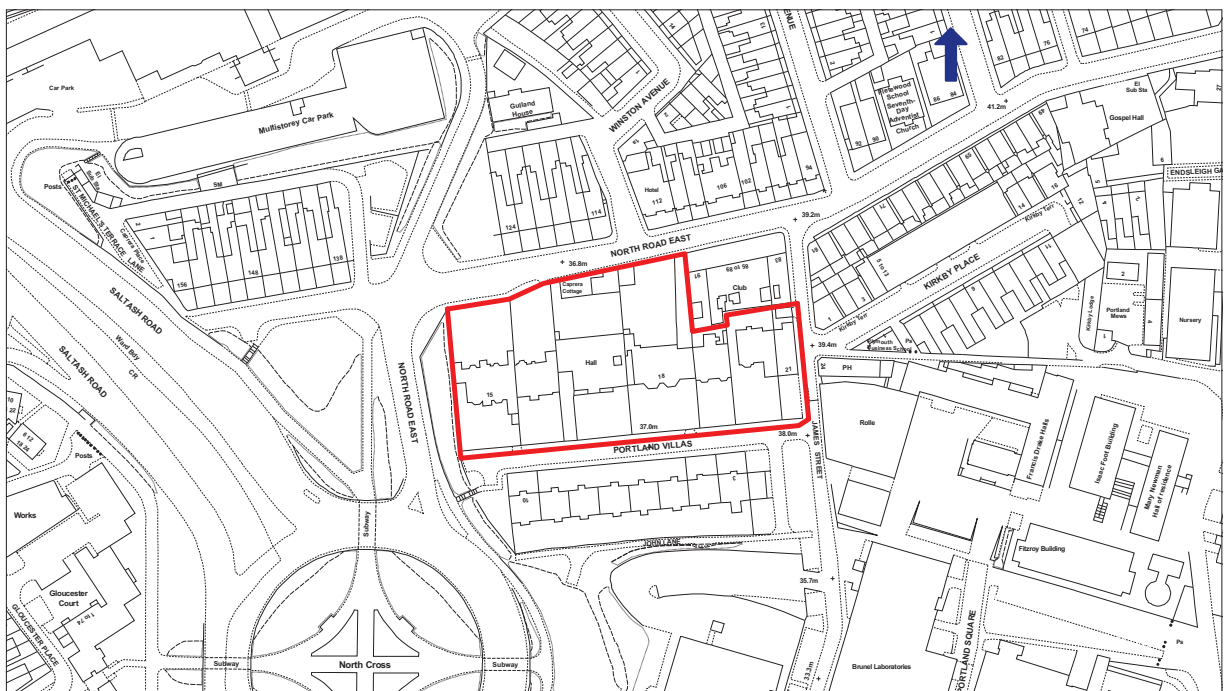
8/13 Week Date: **13/05/2013**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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This application has been referred to Planning Committee by Cllr Ricketts.

Site Description

15-21 Portland Villas are Grade II listed period properties constructed around the mid- 19th century. The properties have gardens to the front with a further amenity area to the rear of 15-18.

The terrace is located to the north west of the main university campus and is bounded by North Cross roundabout to the west. To the south are similar period properties whilst to the north is Hepworth House, and then North Road East which forms a link from North Cross through to North Hill. To the east are James Street and the modern Rolle Building.

Proposal Description

Internal alterations to provide 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities

The proposal is to revert the majority of the buildings back to their original residential use with minimal alterations to the historic fabric. The application will involve no alterations to the external appearance of the properties. The properties are all slightly different in style which will result in varying layouts however generally a mix of communal space and bedrooms will be provided to the ground floor with additional bedrooms on the upper floors. There will be a range of both single and twin rooms provided, some with the benefit of en-suite facilities.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bedspaces. Plans were not provided about the proposed development at the subject properties although the principal of conversion to student accommodation was supported.

Relevant Planning History

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 885 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

Consultation Responses

No external consultations requested or received.

Representations

Nineteen letters of representation have been received. Eighteen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already
- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the University should provide a 24hr shop on campus.
- Staff don't know where they will be relocated to and there may be an impact on students

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policy CS03 (Historic Environment) of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document 2010. Appropriate consideration has also been given to the National Planning Policy Framework 2012.
2. The main planning consideration is the effect on the character and fabric of the listed building, as detailed below.
3. Each of the villas found within Portland Villas North is a manifestation of the 19th century prosperity, development and expansion of Plymouth. Each of the villas provides a good example of a villa of this period; the buildings are largely intact with their original principal rooms and numerous original architectural features that reinforce their significance.

4. Each villa in this range has a strong architectural style albeit all are from the same build period. They should be treated individually where alterations are proposed to ensure the architectural details and style for each are preserved and also matched where alterations take place.

5. Number 15 has been internally decorated to give a Tudor veneer to the interior that is behind the neoclassical exterior. The high quality ceilings in the principal rooms on the ground floor, the beams, the staircase and the stained glass window all reflect a post-medieval design vocabulary. Proposed interventions in this property are very limited but the blocking of a doorway in the dividing wall between the principal rooms will need to be approached with a good deal of sensitivity, in order to preserve the character of the large reception room.

6. Number 16 includes many original features but is not considered to be remarkable in internal decor or configuration. Current proposals will involve remodelling the first floor to remove modern additions and see it return to a more domestic character, respecting original divisions but subdividing the front, first floor room, which has been altered to accommodate administration functions.

7. Number 17 is unique and its facade belies the unusual combination of domestic residence and place of worship that make up the property. The private space includes some finely appointed rooms and surviving period features, while the chapel and associated lobby which form a large proportion of the property are in good condition and can still very much be read as a place of worship. The proposed development will not affect the chapel, associated staircase or the lower ground floor. The domestic area of No. 17 includes a number of lavish fireplaces, which enhance the significance of the property with the same being true of the door and staircase furniture. The former chapel, which now accommodates university administration offices will continue to do so under this application. The proposals for the change of use to the remainder of No 17 will be carried out in a light touch way with minimal impact to the fabric of the building. Further information will be required of the proposed en-suite pods to ensure they are constructed and installed in a sensitive manner.

8. The significance of No. 18 rests principally on the fine 19th century work apparent in the villa, which includes the Tudor-style plaster ceiling in what is currently the Boardroom, architraves, picture rails and ceiling roses. A new opening is proposed to the ground floor of No. 18, to serve a new bathroom, this should be located centrally on the axis of the entrance hall as agreed on site so that it reads correctly and sits within the framework of the original built up opening (just visible behind the existing mirror).

9. Number 19 includes a mosaic panel in the porch and door and door furniture. Internally, many period features are preserved, including scrolled corbels, windows, architraves and staircases, while several of the rooms retain high quality fireplaces. These features work with the well-preserved exterior

10. Number 20 and Number 21 present an unusual and slightly confused mix of exterior and interior styles. Their construction is reflective of changing fashions at the time with a move away from classicism and a stronger Tudor influence. Internally, the windows, stained glass and staircase all add to the fabric of the building.

11. The alterations are being carried out in a light touch way as described in the Design and Access Statement, with few new partitions and the retention of ones which have been inserted in recent years and few new openings. The Archaeology and Heritage Desk-based assessment and walkabout document statement has set out the features of each building and in particular has drawn attention to the decorative plaster ceilings and mouldings and the many original fireplaces. These features are to be safeguarded and it is specifically not acceptable that the many ornate and original fireplaces should be cased to prevent possible damage with the new use as the Statement has recommended.

12. The drawings are unfortunately lacking in specific detail but do show generic approaches to the insertion of openings, the blocking of others and removal of existing partitions and insertion of new. In principle these approaches are acceptable but all openings where original should be maintained visually, with architraves and archways, quoin beads etc retained and the new blocking up and plaster finishes set back. In addition where at all possible the original panelled doors should be re-used elsewhere. Furthermore new ceiling cornices should be inserted to match existing to the former 'new' separating partitions on the bedrooms side of the partition if the cornices are plain or decorative in the principal rooms. It is accepted that the ceilings may need to be lowered above the bathrooms to accommodate some plumbing and extraction as the bathrooms are one above the other on ground and first floors, but this is not shown on the drawings and will therefore be requested via condition. New lengths of skirting and architraves should also match the existing pattern and again this will be conditioned.

13. The new use as student housing will also necessitate associated plumbing, drainage and ventilation, which can raise issues. New kitchens will be provided to all properties in varying positions on the ground floor; further details will be requested via conditions. The insertion of bathrooms to the upper floors will also necessitate careful consideration of plumbing and drainage runs alongside ventilation extraction/ducts etc. Further details will again therefore be requested via condition

14. Fire precautions will inevitably be more strenuous with provision of living accommodation compared to offices. There is possibly a requirement under building regulations for upgrading the fire resistance including that of the original doors (if not already upgraded for the previous use), the provision of horizontal separation between floors and protection of staircases, which may be of particular relevance for No. 20. Details of fire precautionary measures will be requested as part of the conditions. Fire separation should be carried out within the floor construction zone and above the floor-boarding where decorative ceilings exist. Normally the undergirding of decorative plaster ceilings will not be acceptable.

15. It is also possible that sound and thermal insulation measures may be required and again if so then these details will be provided as part of the condition discharge process.

16. Existing historic floor tiles in vestibules, and original floor-boarding should also be retained together with the many existing original staircases and original fireplaces, grates and hearths.

17. A number of points have been raised in the letters of representation received. This application can only consider the impact of the proposal on the character and appearance of the listed building therefore the issues raised will be thoroughly considered in the accompanying planning application.

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.

Section 106 Obligations

The associated planning application for this site will make infrastructure contributions to mitigate the impacts of the development.

Equalities & Diversities issues

The University, in accordance with their 'service provider duties' under the Equality Act together with UPP are committed to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments.

The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of 'accessible' rooms many of which include student / carer specific facilities.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The change of use and refurbishment of Portland Villas will adopt a "light touch" approach which will ensure the historic character and fabric of the properties is preserved and enhanced. The application is therefore recommended for approval.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011, Phase 1 Geo-environmental Desk Study Report ref. RP5464-B, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 2 March 2013, Statement of Community Consultation, Flood Risk Assessment and Drainage Philosophy dated 12.03.13, Planning Statement Issue 3 dated 13.03.13, Archeaology and Heritage Desk-based Assessment Issue 2 dated 14.12.12 and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

APPROVED PLANS [LISTED BUILDING CONSENT]

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: 338-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NEW PARTITIONS

(3) No works shall take place until details of the proposed new partitions have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed partitions. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING DETAILS

(4) No works shall take place until details for blocking existing openings or creating new openings have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FIRE PROTECTION

(5) No works shall take place until details of any fire protection methods have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOUND INSULATION

(6) No works shall take place until details of any sound insulation methods have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BATHROOMS AND KITCHENS

(7) No works shall take place until details of the proposed plumbing, drainage and extraction equipment to be installed in association with new bathrooms and kitchens have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BATHROOM PODS

(8) No works shall take place until details of the proposed new bathroom pods have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material, finish and method of fixing to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

JOINERY DETAILS

(9) All new joinery to be installed including skirtings and architraves shall replicate existing patterns and designs.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CEILING CORNICES

(10) All new ceiling cornices to be installed shall replicate existing patterns and designs.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IRONMONGERY

(11) No works shall take place until details of the proposed ironmongery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the effect on the Listed Building, 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 works are acceptable and comply with (1) 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012

PLANNING COMMITTEE

Decisions issued for the following period: 22 April 2013 to 13 May 2013

Note - This list includes:

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

Item No 1

Application Number: 13/00011/FUL **Applicant:** Mr David Waters
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling house (class C3) to a four bedroom house in multiple occupation (class C4).
Site Address 23 LISSON GROVE PLYMOUTH
Case Officer: Chris Watson
Decision Date: 08/05/2013
Decision: Refuse

Item No 2

Application Number: 13/00052/FUL **Applicant:** Mr James Donne
Application Type: Full Application
Description of Development: Extension of time limit (Condition 1 of ref 10/00230/FUL - Erection of a dwelling with annexe)
Site Address LAND ADJACENT 865 WOLSELEY ROAD PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 3

Application Number: 13/00058/FUL **Applicant:** Devonport High School For Girls
Application Type: Full Application
Description of Development: Demolition of existing classroom buildings and erection of new teaching block containing six classrooms, sixth-form study room and one staff office and one toilet facility (Proposed building moved south-westwards and obscure glazing used in part of north-east elevation)
Site Address DEVONPORT HIGH SCHOOL FOR GIRLS, LYNDHURST ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/05/2013
Decision: Grant Conditionally

Item No 4

Application Number: 13/00081/FUL **Applicant:** North Hill Developments Ltd
Application Type: Full Application
Description of Development: Front first floor balcony with ground floor decked area under to provide additional seating area
Site Address RIDE, 45 TAVISTOCK PLACE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 22/04/2013
Decision: Refuse

Item No 5

Application Number: 13/00085/FUL **Applicant:** Mr John Stevens
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling house (Class C3) to a five bedroom house in multiple occupation (Class C4) for student occupation only and including loft conversion with rear roof dormer
Site Address 5 PRINCE MAURICE ROAD PLYMOUTH
Case Officer: Chris Watson
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 6

Application Number: 13/00164/FUL **Applicant:** Mr Shaun Cowell
Application Type: Full Application
Description of Development: Conversion of front garden to create vehicle hardstanding
Site Address 96 BIGGIN HILL PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 7

Application Number: 13/00201/FUL **Applicant:** Plymouth Bike Hire
Application Type: Full Application
Description of Development: Change of use of part of pub car park and installation of associated vehicle for office and storage of bicycles for bicycle hire business
Site Address THE NEW WATERFRONT LTD, 9 GRAND PARADE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 8

Application Number: 13/00209/FUL **Applicant:** Mrs Angela Smith
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling house (class C3), to a 6 bedroom house in multiple occupation (Class C4)
Site Address 5 PEARSON ROAD PLYMOUTH
Case Officer: Chris Watson
Decision Date: 23/04/2013
Decision: Grant Conditionally

Item No 9

Application Number: 13/00214/FUL **Applicant:** JAG Properties
Application Type: Full Application
Description of Development: Change of use of single dwelling house (Use Class C3) to 6-bedroom house in multiple occupation (Use Class C4)
Site Address 44 ALEXANDRA ROAD MUTLEY PLYMOUTH
Case Officer: Liz Wells
Decision Date: 23/04/2013
Decision: Refuse

Item No 10

Application Number: 13/00240/EXUS **Applicant:** BEW Ltd
Application Type: LDC Existing Use
Description of Development: Use as five self-contained flats (use class C3)
Site Address 30 ERMINGTON TERRACE PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 01/05/2013
Decision: Issue Certificate - Lawful Use

Item No 11

Application Number: 13/00257/TPO **Applicant:** Mrs Furrige
Application Type: Tree Preservation
Description of Development: Ash - Pollard Branch 5m above ground level
Site Address 21 WEIR ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 12

Application Number: 13/00259/FUL **Applicant:** Mr Richard Underhill
Application Type: Full Application
Description of Development: Change of use from 2 flats to 4 bedroom house in multiple occupation (Use class 4)
Site Address 23 WELBECK AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/04/2013
Decision: Refuse

Item No 13

Application Number: 13/00267/LBC **Applicant:** Barratt Homes Exeter Division
Application Type: Listed Building
Description of Development: Works to preserve and stabilise listed lime kiln, including railings lighting, signage, seating and waste disposal
Site Address FORMER QUARRY SITE, BARTON ROAD PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 14

Application Number: 13/00272/FUL **Applicant:** Mrs S Jones
Application Type: Full Application
Description of Development: Erection of a split level bungalow with integral garage and high boundary wall: revision to previous permission for a bungalow and garage, 96/00806
Site Address LAND IN CURTILAGES OF 99 AND 97 WOODFORD AVENUE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 24/04/2013
Decision: Grant Conditionally

Item No 15

Application Number: 13/00289/FUL **Applicant:** Mrs J Gibson
Application Type: Full Application
Description of Development: Replacement windows to front elevation of ground floor flat
Site Address FLAT 2, 60 DURNFORD STREET STONEHOUSE
PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 16

Application Number: 13/00291/LBC **Applicant:** Mrs J Gibson
Application Type: Listed Building
Description of Development: Replacement windows to front elevation of ground floor flat
Site Address FLAT 2, 60 DURNFORD STREET STONEHOUSE
PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 17

Application Number: 13/00293/FUL **Applicant:** Lipson Vale Primary School
Application Type: Full Application
Description of Development: Extensions at rear of school to provide two classrooms and extension to existing toilet facilities
Site Address LIPSON VALE PRIMARY SCHOOL, BERNICE TERRACE
PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 18

Application Number: 13/00311/FUL **Applicant:** Coombe Dean School Academy
Application Type: Full Application
Description of Development: Single-storey extension to science block and removal of temporary classroom
Site Address COOMBE DEAN SCHOOL, CHARNHILL WAY PLYMSTOCK PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/04/2013
Decision: Grant Conditionally

Item No 19

Application Number: 13/00316/FUL **Applicant:** Nr Nick Bishop
Application Type: Full Application
Description of Development: Variation of condition to alter the approved plans condition added by 13/00379/FUL to allow for material alterations of application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking)
Site Address LAND ADJACENT TO 21 MUTLEY ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/05/2013
Decision: Grant Conditionally

Item No 20

Application Number: 13/00320/TPO **Applicant:** Mr Martin Butson
Application Type: Tree Preservation
Description of Development: Cupressus Macrocarpa - Trim back branches overhanging roof by 2-3m
Site Address 47 FURZEHATT ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 21

Application Number: 13/00325/FUL **Applicant:** Mr & Mrs Rowe
Application Type: Full Application
Description of Development: Construction of porch with hipped roof and alterations to garage including hipped roof, rear Juliet balcony and replace existing spar dash finish with render.
Site Address 47 TRELAWNY ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 22

Application Number: 13/00327/FUL **Applicant:** Domino's Pizza Group Ltd
Application Type: Full Application
Description of Development: Change of use from A1 to A5, erection of new shopfront and installation of extraction equipment and air compressors with variation of condition 5 of planning permission 11/01938 to have deliveries to the premises from 0700-2300 hours, Monday to Fridays and 0800-2300hrs on Saturdays and Sundays
Site Address 65 EXETER STREET PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 23

Application Number: 13/00338/FUL **Applicant:** MVV Environment Devonport Li
Application Type: Full Application
Description of Development: Change of use of part of a former factory site (building demolished in 2006) for temporary storage of construction materials required for the construction of the North Yard Energy from Waste Plant for 2 year period (including stationing temporary module welfare building portable toilet facility and provision of 2M high fence)
Site Address GOSCHEN YARD, SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 24

Application Number: 13/00352/FUL **Applicant:** Mr Ian Hosking
Application Type: Full Application
Description of Development: Change of use to house in multiple occupation together with external alterations including demolition of rear store and kitchen, partial demolition and rebuilding of rear tenement , demolition of rear wall and provision of off-street parking and installation of replacement windows (amendments to original plans)
Site Address 22 WOLSDON STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 25

Application Number: 13/00359/FUL **Applicant:**
Application Type: Full Application
Description of Development: Retrospective application for a boundary fence to rear and part side garden (resubmission following refusal of 12/00224/FUL).
Site Address 2 SPARKE CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 26

Application Number: 13/00360/FUL **Applicant:** Mr Paul Griffin
Application Type: Full Application
Description of Development: Converting single storey garage to two storey extension and loft conversion
Site Address TREVEAN, 11 GEORGE LANE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 27

Application Number: 13/00362/FUL **Applicant:** MOD
Application Type: Full Application
Description of Development: Installation of portacabin for use as changing rooms
Site Address RECTORY FIELD, COREA TERRACE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 30/04/2013
Decision: Grant Conditionally

Item No 28

Application Number: 13/00363/FUL **Applicant:** Ms Vicki Parkinson
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling (class C3) to a four bedroom house in multiple occupation (Class C4)
Site Address 2 CHANNEL VIEW TERRACE PLYMOUTH
Case Officer: Jody Leigh
Decision Date: 30/04/2013
Decision: Grant Conditionally

Item No 29

Application Number: 13/00369/FUL **Applicant:** Mr A Sanders
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling (class C3) to a 5 bedroom house in multiple occupation (class C4)
Site Address 2 CAPRERA PLACE, ST MICHAELS TERRACE LANE PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 30

Application Number: 13/00370/FUL **Applicant:** Mr E Tortora
Application Type: Full Application
Description of Development: Formation of first floor extension to existing bungalow to create two storey dwelling
Site Address LITTLE STIFFORD, SEVEN STARS LANE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/04/2013
Decision: Grant Conditionally

Item No 31

Application Number: 13/00377/FUL **Applicant:** The Town House (Plymouth) Ltd
Application Type: Full Application
Description of Development: Change of use of public house to 3 cluster flats and 2 bedsits providing a total of 16 student bedspaces
Site Address THE TOWN HOUSE, 32 HARWELL STREET PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 03/05/2013
Decision: Grant Subject to S106 Obligation - Full

Item No 32

Application Number: 13/00378/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Construction of 105 metre length of new seawall to replace existing post and rail fence, and repairs to adjacent eroded revetment
Site Address EMBANKMENT ROAD PLYMOUTH
Case Officer: Katherine Graham
Decision Date: 30/04/2013
Decision: Grant Conditionally

Item No 33

Application Number: 13/00379/FUL **Applicant:** Mr Nick Bishop
Application Type: Full Application
Description of Development: Variation of condition to add a planning condition listing the approved drawings on application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking)
Site Address LAND ADJACENT TO 21 MUTLEY ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 01/05/2013
Decision: Grant Conditionally

Item No 34

Application Number: 13/00388/LBC **Applicant:** Mr Charles Howeson
Application Type: Listed Building
Description of Development: Repairs and reinstatement of north gates to the Millfields and alterations to and repositioning of vehicular access to the watertower
Site Address THE WATERTOWER, 91 CRAIGIE DRIVE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 29/04/2013
Decision: Refuse

Item No 35

Application Number: 13/00392/FUL **Applicant:** Plymouth Barbican Association
Application Type: Full Application
Description of Development: Change of use to form living accommodation above business premises
Site Address 35 NEW STREET PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 29/04/2013
Decision: Grant Conditionally

Item No 36

Application Number: 13/00393/LBC **Applicant:** Plymouth Barbican Association
Application Type: Listed Building
Description of Development: Change of use to form living accommodation above business premises
Site Address 35 NEW STREET PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 29/04/2013
Decision: Grant Conditionally

Item No 37

Application Number: 13/00394/FUL **Applicant:** Craig Richman
Application Type: Full Application
Description of Development: Development of garden by erection of two storey detached dwelling (existing side extension to be removed)
Site Address MEADOW HOUSE, HORN LANE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 38

Application Number: 13/00401/LBC **Applicant:** Mr Tim Marler
Application Type: Listed Building
Description of Development: Removal of current rear dormer window and flat roof; replacement with new sloping roof with smaller dormer and 2 skylights; partial demolition of rear boundary wall and incorporation of gates leading to hardstanding
Site Address 27 WYNDHAM SQUARE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 39

Application Number: 13/00405/FUL **Applicant:** BEW Properties Ltd
Application Type: Full Application
Description of Development: Refurbishment of 5 self-contained flats, loft conversion to provide 2 bedrooms and second storey rear extension
Site Address 30 ERMINGTON TERRACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 40

Application Number: 13/00411/TPO **Applicant:** Mr Martin Benney
Application Type: Tree Preservation
Description of Development: Ash - reduce by 3.5m
- thin by 25%
- crown raise 2m above ground level
Site Address 8 ROBOROUGH CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 41

Application Number: 13/00424/ADV **Applicant:** Royal Mail Group Ltd
Application Type: Advertisement
Description of Development: 2x 48 sheet overhead illuminated advertisement panels
Site Address ROYAL MAIL SORTING OFFICE, CENTRAL PARK AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 01/05/2013
Decision: Advertisement Split Decision

Item No 42

Application Number: 13/00426/FUL **Applicant:** Mr Kevin Briscoe
Application Type: Full Application
Description of Development: Demolition of existing buildings and erection of a large detached house with two double garages and vehicular circulation
Site Address FORMER PLYMOUTH COLLEGE PREPARATORY SCHOOL, HARTLEY ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 43

Application Number: 13/00429/FUL **Applicant:** Mr Barry Mc Callion
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 7 PARKFIELD DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/04/2013
Decision: Grant Conditionally

Item No 44

Application Number: 13/00433/FUL **Applicant:** Mr Richard Harold
Application Type: Full Application
Description of Development: Replace wooden windows with UPVC in same style
Site Address 7 FREEMANS WHARF PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 45

Application Number: 13/00436/FUL **Applicant:** Il Pezzettino
Application Type: Full Application
Description of Development: Change of use from shop (Class A1) to mixed café (Class C3) and shop (Class A1) - variation of condition 5 of planning permission 04/00835/FUL to allow opening hours Mon-Sun inclusive and Bank Holidays or Public Holidays from 08.00 to 12.00 midnight
Site Address 27 DEVONPORT ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 25/04/2013
Decision: Grant Conditionally

Item No 46

Application Number: 13/00438/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: Proposal to install 1 internally illuminated projecting sign, non illuminated business plates, ATM header and illuminated letters.
Site Address LLOYDS BANK, 8 ROYAL PARADE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 47

Application Number: 13/00453/FUL **Applicant:** Mr Brian Gunton
Application Type: Full Application
Description of Development: Erection of single storey extension to front of property
Site Address 40 HAYE ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 48

Application Number: 13/00457/FUL **Applicant:** Mr Wisdom
Application Type: Full Application
Description of Development: Erection of PVC-U conservatory to side of property
Site Address 16 CHESHIRE DRIVE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 49

Application Number: 13/00459/LBC **Applicant:** Sovereign Property Services
Application Type: Listed Building
Description of Development: Insertion of secondary glazing to improve thermal properties of windows
Site Address ST DUNSTAN'S ABBEY, NORTH ROAD WEST PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 50

Application Number: 13/00461/FUL **Applicant:** Mrs Maggie Barker
Application Type: Full Application
Description of Development: Replacement windows to first floor flat
Site Address FIRST FLOOR FLAT, 156 MOLESWORTH ROAD STOKE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 51

Application Number: 13/00463/FUL **Applicant:** Mr Suruj Miah
Application Type: Full Application
Description of Development: Change of use of first and second floor to 2 self-contained flats and a maisonette (all one-bedroomed) including front dormers, three storey rear extension and provision of external staircase
Site Address 248 ALBERT ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 52

Application Number: 13/00468/FUL **Applicant:** Sovereign
Application Type: Full Application
Description of Development: Insertion of secondary glazing to improve thermal properties of windows
Site Address ST DUNSTAN'S ABBEY, NORTH ROAD WEST PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 53

Application Number: 13/00470/TPO **Applicant:** Mr Julian Montague
Application Type: Tree Preservation
Description of Development: Various tree management works including coppicing of 1 Holm Oak
Site Address MOUNT GOULD HOSPITAL, MOUNT GOULD ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 54

Application Number: 13/00471/FUL **Applicant:** Mrs Emma Charlesworth
Application Type: Full Application
Description of Development: Alterations to existing conservatory to form an extension
Site Address 10 HARTWELL AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 55

Application Number: 13/00472/FUL **Applicant:** Mr Steven Cox
Application Type: Full Application
Description of Development: Two-storey side extension
Site Address 12 STANDARHAY VILLAS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 56

Application Number: 13/00473/FUL **Applicant:** Mr David Keeling
Application Type: Full Application
Description of Development: Erection of conservatory to rear of property
Site Address 53 MOOR LANE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 24/04/2013
Decision: Grant Conditionally

Item No 57

Application Number: 13/00477/TCO **Applicant:** Mr Peter England
Application Type: Trees in Cons Area
Description of Development: Beech - Reduce by 3-4 metres
- Mid and lower crown by 2-3 metres
- Raise crown by 2m
Site Address 54 VALLETORT ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 58

Application Number: 13/00479/FUL **Applicant:** Mr Tony Bevan
Application Type: Full Application
Description of Development: Erection of single storey extension over existing garage and over existing extension to rear
Site Address 67 DUNRAVEN DRIVE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 59

Application Number: 13/00494/FUL **Applicant:** Mr Joseph Barnes
Application Type: Full Application
Description of Development: Erection of single storey extension to rear of property
Site Address 2 LITTLE FANCY CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 22/04/2013
Decision: Grant Conditionally

Item No 60

Application Number: 13/00495/TPO **Applicant:** Reverend Richard Silk
Application Type: Tree Preservation
Description of Development: Various minor tree works
Site Address THE CHURCH, 13 OUTLAND ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 61

Application Number: 13/00496/LBC **Applicant:** 5 and 6 Elliot Terrace Ltd
Application Type: Listed Building
Description of Development: Bauder bituminous roofing system and insulation to be placed over the existing asphalt roof
Site Address 5 AND 6 ELLIOT TERRACE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 07/05/2013
Decision: Application Withdrawn

Item No 62

Application Number: 13/00500/PRDE **Applicant:** Mr and Mrs Frost
Application Type: LDC Proposed Develop
Description of Development: Formation of room in roof space with rear dormer
Site Address 5 HARTWELL AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 26/04/2013
Decision: Issue Certificate - Lawful Use

Item No 63

Application Number: 13/00504/FUL **Applicant:** Mr Richard Davies
Application Type: Full Application
Description of Development: Erection of single storey rear extension
Site Address 71 VALIANT AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 24/04/2013
Decision: Grant Conditionally

Item No 64

Application Number: 13/00505/PRDE **Applicant:** Mr and Mrs S Rogers
Application Type: LDC Proposed Develop
Description of Development: Formation of room in roof space with erection of rear dormer and erection of single storey rear extension
Site Address 17 ROW LANE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 26/04/2013
Decision: Issue Certificate - Lawful Use

Item No 65

Application Number: 13/00509/FUL **Applicant:** Mr G Rowe
Application Type: Full Application
Description of Development: Householder application for the erection of detached double garage with storage space over
Site Address 69 ORESTON ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 25/04/2013
Decision: Grant Conditionally

Item No 66

Application Number: 13/00510/FUL **Applicant:** Mr Andrew
Application Type: Full Application
Description of Development: Rear extension and conversion of garage to habitable accommodation
Site Address 54 SOUTH DOWN ROAD BEACON PARK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 67

Application Number: 13/00516/FUL **Applicant:** Mr Stuart Donnington
Application Type: Full Application
Description of Development: Change of use and conversion of single family dwelling (Class C3) to a 4 bedroom house in multiple occupation (Class C4)
Site Address 1 DUNDONALD STREET PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 68

Application Number: 13/00520/FUL **Applicant:** Mr & Mrs Q Style
Application Type: Full Application
Description of Development: Side extension to bungalow. Resubmission following refusal of 12/01145/FUL
Site Address BLUE HOLLOW, AMACRE DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 69

Application Number: 13/00522/FUL **Applicant:** Mrs Jackie Skelton
Application Type: Full Application
Description of Development: Householder application for erection of bay window to front elevation of dwelling
Site Address 22 LINKETTY LANE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 70

Application Number: 13/00531/FUL **Applicant:** PWArchitecture
Application Type: Full Application
Description of Development: Erection of two storey side extension and rear dormer to form loft conversion
Site Address 34 HOWARD ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 71

Application Number: 13/00535/FUL **Applicant:** Mr & Mrs Mark Thomas
Application Type: Full Application
Description of Development: Householder application for the erection of a front porch
Site Address 2 WINDERMERE CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 25/04/2013
Decision: Grant Conditionally

Item No 72

Application Number: 13/00544/FUL **Applicant:** Mr Mark Woodward
Application Type: Full Application
Description of Development: Householder application for the erection of a single storey front extension and single storey side extension
Site Address 5 YEALMPSTONE CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 73

Application Number: 13/00551/FUL **Applicant:** Miss Abby Mercer
Application Type: Full Application
Description of Development: Change of use of land from customer car parking spaces (no. 9 spaces) to hand car wash and valeting facility including the erection of canopy and site office
Site Address TESCO STORES LTD, 1 WOOLWELL CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 74

Application Number: 13/00553/ADV **Applicant:** Miss Abby Mercer
Application Type: Advertisement
Description of Development: Erection of non-illuminated signage in association with car wash and valeting facility
Site Address TESCO STORES LTD, 1 WOOLWELL CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 75

Application Number: 13/00554/FUL **Applicant:** Mr Nick Raynsford
Application Type: Full Application
Description of Development: Demolition of outbuildings and lean to extensions and construction of detached sculpture studio, two new single storey extensions
Site Address 798 WOLSELEY ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 01/05/2013
Decision: Grant Conditionally

Item No 76

Application Number: 13/00560/CAC **Applicant:** Mr Ian Hosking
Application Type: Conservation Area
Description of Development: Change of use to house in multiple occupation together with external alterations including demolition of rear store and kitchen, partial demolition and rebuilding of rear tenement , demolition of rear wall and provision of off-street parking and installation of replacement windows (amendments to original plans)
Site Address 22 WOLSDON STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 77

Application Number: 13/00565/FUL **Applicant:** Mr Ken Clarke
Application Type: Full Application
Description of Development: Householder application for the erection of a ground floor extension, first floor extension and side porch
Site Address 40 RHEOLA GARDENS PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 78

Application Number: 13/00568/FUL **Applicant:** Mr Hirst
Application Type: Full Application
Description of Development: Single storey side extension incorporating existing garage
Site Address 49 PRIORY DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 79

Application Number: 13/00570/FUL **Applicant:** Mrs Helen Kirk
Application Type: Full Application
Description of Development: Householder application for the erection of single storey rear extension
Site Address 30 KIRKSTALL CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 07/05/2013
Decision: Grant Conditionally

Item No 80

Application Number: 13/00571/TPO **Applicant:** Mr Leverton
Application Type: Tree Preservation
Description of Development: Beech - Pruning works to reduce shade
Site Address 11 DUCANE WALK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 26/04/2013
Decision: Grant Conditionally

Item No 81

Application Number: 13/00573/FUL **Applicant:** Mr and Mrs Derren Wilkie
Application Type: Full Application
Description of Development: Erection of 2 storey rear extension
Site Address 14 FREDINGTON GROVE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 82

Application Number: 13/00577/ADV **Applicant:** Hobbycraft
Application Type: Advertisement
Description of Development: 5 x Internally illuminated fascia signs, 2 x internally illuminated vinyl overlays on existing totem sign, 1 x Deliveries sign, 1 x Automatic Doors sign
Site Address FRIARY PARK, EXETER STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 83

Application Number: 13/00586/FUL **Applicant:** Mr and Mrs Toby Rogers
Application Type: Full Application
Description of Development: Householder application for the erection of a detached double garage
Site Address 2 EFFORD ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 84

Application Number: 13/00588/FUL **Applicant:** Mr I Hamid
Application Type: Full Application
Description of Development: Change of use from car sales to car wash
Site Address 1 EDGAR TERRACE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 85

Application Number: 13/00596/FUL **Applicant:** Mr Chris Holwill
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 25 CLEVELAND ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 86

Application Number: 13/00598/FUL **Applicant:** Mr James Mann
Application Type: Full Application
Description of Development: Retrospective householder application for the demolition of existing single storey rear extension and erection of two storey rear extension
Site Address 14 SOUTHERN TERRACE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 87

Application Number: 13/00600/FUL **Applicant:** Mr Barry Jude
Application Type: Full Application
Description of Development: Conversion of garage and games room into residential accommodation
Site Address HORN DEAN, HORN CROSS ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 03/05/2013
Decision: Grant Conditionally

Item No 88

Application Number: 13/00606/TCO **Applicant:** Plymouth Tree Services
Application Type: Trees in Cons Area
Description of Development: Holm Oak - reduction of branches over house, lift crown over road & garages
Site Address EDGCUMBE COURT, OSBORNE ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 89

Application Number: 13/00617/FUL **Applicant:** Mr and Mrs Sandford
Application Type: Full Application
Description of Development: Two storey rear extension and second floor extension on existing flat roof
Site Address 65 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 09/05/2013
Decision: Grant Conditionally

Item No 90

Application Number: 13/00621/PRDE **Applicant:** Mr and Mrs L Cooper
Application Type: LDC Proposed Develop
Description of Development: Single storey rear extension
Site Address 78 CANEFIELDS AVENUE PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 13/05/2013
Decision: Issue Certificate - Lawful Use

Item No 91

Application Number: 13/00622/TPO **Applicant:** Mrs Julie Barnett
Application Type: Tree Preservation
Description of Development: Oak - crown raise to 3M above ground level & 5M over drive
Site Address 4, FOXWOOD, STADDISCOMBE PARK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/05/2013
Decision: Grant Conditionally

Item No 92

Application Number: 13/00623/TCO **Applicant:** Mrs Karly Townsend
Application Type: Trees in Cons Area
Description of Development: Eucalyptus - remove regrowth
Site Address 16 WHITEFORD ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/05/2013
Decision: Grant Conditionally

Item No 93

Application Number: 13/00629/FUL **Applicant:** Mr Ashley Rice
Application Type: Full Application
Description of Development: Householder application for the proposed erection of a two storey side extension and rear dormer window to facilitate loft conversion
Site Address 45 GRAY CRESCENT PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/05/2013
Decision: Grant Conditionally

Item No 94

Application Number: 13/00654/TPO **Applicant:** Mr David Wilson
Application Type: Tree Preservation
Description of Development: Horse Chestnut - Pruning works to shorten over extended branches in lower crown
Site Address 10 OLDLANDS CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 07/05/2013
Decision: Grant Conditionally

Item No 95

Application Number: 13/00690/ESR10 **Applicant:** URS Infrastructure and Environ
Application Type: Environmental Ass
Description of Development: Request for screening opinion for environmental impact assessment for development including B2 employment units, B8 storage and distribution units and associated car parking
Site Address ENTERPRISE PARK, ERNESETTLE LANE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 08/05/2013
Decision: Enviroment Assessment R10

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number **11/01260/FUL**
Appeal Site **28 RIDGE ROAD PLYMOUTH**
Appeal Proposal Variation of condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) to allow a single commercial vehicle of up to 10 tonnes in weight (up to 15 tonnes gross weight) to be parked at the site
Case Officer Jon Fox

Appeal Category
Appeal Type Informal Hearing
Appeal Decision Dismissed
Appeal Decision Date 28/02/2013
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector dismissed the appeal: he agreed that the movements of a 10 tonne lorry would generate harmful noise and disturbance, notwithstanding the noise data submitted by the applicant and other potential measures such as the erection of a fence and the possibility of restricting the times of lorry movements (which would not be early enough for the operation of the applicant's business). The Inspector considered that the visual impact on neighbours could be reduced by additional planting and would not have a harmful visual impact on neighbours. The Inspector said that the comings and goings of a 10 tonne lorry would cause some harm to the semi-rural character of the surrounding area and the proposed countryside park. The Inspector supported policies CS17 and CS34 as well NP11 of the North Plymstock Area Action Plan.

Application Number **12/00698/FUL**
Appeal Site **44 HEADLAND PARK PLYMOUTH**
Appeal Proposal Conversion of 7-bedroom house in multiple occupation to form 10-bedroom house in multiple occupation for student occupation, including provision of new bedroom window
Case Officer Jon Fox

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 04/02/2013
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector considered that increasing the number of students from 8 to 10 would not result in harm to neighbours' amenities via noise and disturbance and that the small amenity at the rear of the property would be too small to be made much use of by the occupiers (therefore not in itself resulting in activities that would generate noise and disturbance). The Inspector said that the development would be acceptable by reference to policies CS15, CS22 and CS34 of the Council's Core Strategy.

Application Number **12/00787/FUL**
Appeal Site **111 WOLSELEY ROAD PLYMOUTH**
Appeal Proposal Continuation of use as tyre fitting garage
Case Officer Olivia Wilson

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 01/03/2013
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The main issues were the effects of the proposed development on the living conditions at nearby residential properties and highway safety. The inspector found that because of the small size of the site and its proximity to residential properties it was detrimental to residential amenity due to noise and disturbance. There is no off-street parking for staff or customers which adds to disturbance and causes parking congestion and is prejudicial to highway safety. It therefore is contrary to Policies CS22, CS28 and CS45 of the Core Strategy.