

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/00646/FUL	Item	02
Date Valid	20.05.2024	Ward	DRAKE
Site Address	40 North Hill Plymouth PL4 8ET		
Proposal	Change of use, conversion and extension of existing building to provide purpose built student accommodation		
Applicant	Mr Justin Bryce		
Application Type	Full Application		
Target Date	15.07.2024	Committee Date	19.09.2024
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Ms Abbey Edwards		
Recommendation	Grant Conditionally		



The application has been referred to the Planning Committee by Councillor Ricketts.

1. Description of Site

This application relates to 40-42 North Hill, a mid-19th century, double fronted commercial unit located on a corner plot where Bedford Terrace meets North Hill. The building sits within a row of three commercial units and is single storey in height with a roof terrace. The building was previously in use as a drinking establishment and restaurant (Sui Generis) but has been vacant since 2019 despite gaining planning permission for its conversion to offices (Use Class E) in 2022.

The surrounding area can be described as a mixed-use area demonstrating a wide range of commercial uses including offices, shops, cafes, bars and solicitors, however the predominant use is residential. The site is within walking distance to Mutley Plain District Centre and the City Centre and is well served by public transport links.

2. Proposal Description

Change of use, conversion and extension of existing building to provide purpose built student accommodation.

3. Pre-application Enquiry

22/01759/MOR - Pre-application for a change of use and extension to building to create purpose built student accommodation (16 bed) - Officers unable to support the principle of purpose built student accommodation due to insufficient information to demonstrate compliance with Joint Local Plan Policy DEV12 (Purpose Built Student Accommodation in the Plymouth Policy Area). Officers

raised concerns in regard to building massing, materials and detailing and a lack of natural daylight and outlook to some of the bedrooms. Further information is needed in regard to vehicle drop off/ collection area, cycle storage and refuse storage.

4. Relevant Planning History

83/02720/FUL- Installation of new shopfront - Granted conditionally

90/03622/FUL- Change of use of basement and ground floor to café/restaurant - Granted conditionally

98/00319/FUL- Alterations to restaurant including new shop front - Granted conditionally

03/00584/FUL- Alterations to front elevation, to enlarge windows - Granted conditionally

03/01945/FUL- Alterations to front elevation including installation of new shopfronts, and change of use of basement from retail (Class A1) to restaurant (Class A3) - Grant conditionally

06/01263/FUL- Formation of roof deck area at first floor level (on no.42), with associated enclosed access stairway and roof deck enclosure - Granted conditionally

22/01306/FUL - Change use from bar and premise (Sui Generis) to offices (Class E) - Grant Conditionally

5. Consultation Responses

Public Protection team - No objection subject to a condition relating to hours of construction and demolition

Local Highway Authority - No objection subject to conditions relating to a construction traffic management plan, highway dilapidation survey, travel plan, drop off car parking provision, cycle provision and a student management plan

Urban Design - No objection, however replacement of render with an alternative material is preferable to avoid issues with staining along with the provision of an integral bin store to avoid street clutter and a detrimental impact on the living conditions for some of the student bedrooms.

Economic Development - No objection, evidence has been provided to suggest the site has been clearly and effectively marketed for a substantial period of time and to date no commercial deal has been forthcoming. Active frontage on North Hill is encouraged to retain vibrancy and provide continuity in line with the existing frontages.

Community Connections - Standing advice provided in regard to building layout.

Waste (Commercial) - No comments received.

University of Plymouth - Supportive of proposed development. There is a need for further good quality accommodation, helping to take pressure off other residential housing. A higher proportion of students are now selecting purpose-built student accommodation beyond their first year of study.

Designing out Crime - No objection subject to conditions requiring the submission of a student management plan and implementation of the submitted designing out crime statement.

Natural Infrastructure team - No objection subject to conditions requiring the submission of full landscaping details along with a landscape and environmental management plan.

Lead Local Flood Authority - No objection subject to further information including details of existing and proposed surface water drainage system, details of proposed management and maintenance and a construction environment management plan.

South West Water - No objection, proposed connection to combined sewer is accepted.

6. Representations

10 letters of representation have been received from 9 contributors, objecting to the proposal on the following grounds:

- Local area is saturated with student accommodation
- North Hill should include vibrant commercial and local residential uses
- Not enough housing stock for local people, single professionals and graduates
- Building is out of character with historic North Hill
- Loss of vital commercial unit
- Additional student accommodation exacerbates issues with litter and parking
- Existing student accommodation is not fully occupied in the City
- Needs to be a better balance between students and local community to create better social cohesion

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none.

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024)."

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South-West Devon Supplementary Planning Document (2020)

8. Analysis

8.1. This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.

Principle of Development

8.2. The principle of the development is whether the creation of student accommodation and the subsequent loss of the commercial unit is acceptable.

8.3. Paragraph 63 of the National Planning Policy Framework states that the need for housing should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

8.4. At a strategic level, Policy SPT3 of the Joint Local Plan identifies that 19,000 new homes are required to be built in the city by 2034, and these are required to meet the current and future needs of the population including students.

8.5. The Joint Local Plan identifies site allocations in the City Centre which make a provision for PBSA. The application site is not within an allocated site.

8.6. Policy DEV12 (Purpose Built Student Accommodation in the Plymouth Policy Area) recognises that there is a need to provide accommodation for students and it is preferable that student needs are met as far as possible in purpose built student accommodation (PBSA) as this can; reduce the need to convert more housing that is currently available for families, create sustainable locations for student accommodation which reduces the need to travel in areas that serve the needs of students and provide a stock of well-managed, secure and regulated environments that will minimise the impact on amenity on other households in residential neighbourhoods.

8.7. The Policy seeks to prevent an over-supply of PBSA and/or an over-proliferation of PBSA leading to unbalanced communities and seeks to protect residential amenity and the supply of family homes. To do this, the policy applies a series of tests, which are set out below.

1. The development meets an identified need for the type of accommodation proposed

8.8. Two reports titled 'Statistics and Data - Student PBSA's' dated 15th May 24 and 'Response Report' dated July 24 have been submitted to address this criterion along with letters of support from the University of Plymouth and a local student lettings agency.

8.9. The submitted information demonstrates an increase in student enrolment numbers within Plymouth from 2019/20 to 2022/23. In the latest monitoring point on the 31st March 2023, Council figures show the total full time student enrolment numbers for 2022/23 were 24,824 across the 3 universities in Plymouth. As of the 31st March 2023, there were 7,197 PBSA bed spaces in the City with 556 bedspaces under construction, and planning permission (not started) for a further 270 spaces. Comparing these numbers against student enrolment numbers, it is noted that at least 68% of students do not have access to PBSA. It is noted that the Applicant's existing student accommodation supply is oversubscribed and has been fully let for the past 26 years.

8.10. The submitted information shows an increase in students at the University of Plymouth choosing to live in private sector halls accommodation (43% increase in 2021/22 compared with 2020/21) and states this is likely due to the advantages of PBSA including security, social interactions and on-site management.

8.11. This aligns with the views of Plymouth University Business Development Manager, Head of Facilities and a Home after Halls Student Lettings. They note that they are experiencing a higher proportion of students now selecting purpose-built student accommodation beyond their first year of study; a gradual migration of students from less suitable HMO houses in the City to purpose built student accommodation and a continual high demand for student accommodation more generally, which is expected to increase as Plymouth University enrolment numbers are predicted to grow in the coming years.

8.12. The target market for this development is described as undergraduates, second, third and fourth year students as well as post graduates. A review of existing purpose-built developments has been provided, which highlights that existing PBSA developments in the local area primarily target either first year students or international students and that there are limited options for students to access higher quality, purpose-built accommodation beyond their first year.

8.13. Officers acknowledge that an increase in student numbers coupled with a greater desire for students to be in purpose-built student accommodation puts pressure on the City's general housing stock.

8.14. Officers note that the number of council tax exempt properties (wholly occupied by students) have continually fallen from 3,373 in April 2014 to 1,823 in April 2022. This suggests that as new purpose-built student accommodation is continuing to be planned and provided for, more homes that were previously occupied by students become available, providing more access to housing. This has a positive impact in meeting the City's housing needs.

8.15. In line with Policies DEV12 and DEV11, Officers are encouraging the placement of students in purpose-built accommodation rather than in houses of multiple accommodation as the impact on residential communities is better mitigated through aspects such as enhanced security and on-site management.

8.16. Overall, it is considered that sufficient evidence and justification has been provided to show that the development would meet the identified needs of students, in particular those beyond their first year.

2. The development is in an appropriate location, which is easily accessible to university/college facilities by sustainable modes of transport.

8.17. The application building is located a 4-minute walk from Plymouth University and a 7-minute walk from Plymouth College of Art. The building sits on North Hill, a key strategic route into the City where there are a number of bus links to the University of St Mark and St John (1A, 1, 42A/C) averaging around 36 minute travel time. The development is therefore considered to be in an appropriate location.

3. The proposal does not result in an excessive concentration of student accommodation in one locality

8.18. There are a number of PBSA and student bed spaces within the local area and this application will add to the concentration. These include (but not limited to) the Reservoir purpose-built student accommodation (74 bed) located on the opposite side of North Hill and developments within the University site including Mary Newman Halls (157 bed) of Residence and Francis Drake Hall (329 bed). There are other student occupied properties in the area including Houses of Multiple Occupation.

8.19. There are currently no family dwellings immediately adjacent to the site. There are family dwellings located within Skardon Place, above commercial units at 46 - 54 North Hill and within Bedford Terrace and the surrounding streets.

8.20. The proposal seeks to provide 16 student bedspaces which is not considered a significant increase in numbers, particularly when taking into consideration the North Hill location. Officers appreciate the number of student bed spaces is higher in this location compared to other areas of the City, but note that this is not uncommon in areas adjacent to Universities.

8.21. Officers acknowledge that there is a high concentration of student accommodation but on balance, given the limited scale of development and separation to family dwellings, consider this would not warrant a refusal of the application on the grounds of excessive concentration, in line with criteria 3 of DEV12.

4. The proposal does not result in a harmful loss of an existing use

8.22. The application building was previously a bar with food provision (Use Class Sui Generis) and became vacant in 2019. The building gained planning permission in 2022 for its conversion to Offices (Use Class E) and whilst this consent has not been implemented, the permission remains capable of implementation until September 2025.

8.23. The application building is not located within a designated centre. Therefore, it is not subject to local policy that safeguards the commercial use. Notwithstanding this, the application building is a double fronted commercial unit which, if occupied and in commercial use, would provide an active frontage and the continuity of the small commercial parade. This has been given weight when considering the proposed change of use.

8.24. The site has been vacant since 2019. Marketing evidence provided by Listers Property Consultants dated 28th March 24, has been submitted which demonstrates the site has been effectively marketed for a substantial period of time and to date, no commercial deal has been forthcoming despite a good level of interest. The report notes the lack of demand for the space as a bar/restaurant comes as a result of (amongst other things) post-pandemic trading conditions, increasing utility costs and general inflation. With regard to alternative commercial uses under planning use Class E, the space is less desirable as it would likely require refurbishment, has challenges in terms of potential deliveries and would likely require high level capital expenditure.

8.25. The building has been vacant for four years and Officers consider that bringing the building back into use is deemed a clear positive. The Council's Economic Development team accept the marketing evidence and raise no objection to the site's proposed change of use.

8.26. With regard to an active frontage, the proposed ground floor provides a visually permeable elevation onto North Hill so that there is some level of natural surveillance of the street. The reception area will be clearly visible from outside of the property and the proposals provide full height glazing along the North Hill elevation with visual access to the entrance. Officers consider this would provide a sufficient level of activity at street level and would not lead to an inactive frontage.

5. The layout, design and facilities provided within the development is of a high standard and meet identified student needs including adequate laundry provisions, communal space and social learning facilities

8.27. The accommodation comprises of 16 good sized units measuring between 20 - 27sqm in size. This is comparable to other purpose-built student accommodation in the City. The student accommodation includes facilities such as a laundry room, cinema, games room and seating areas. The facilities are located at basement level, where natural daylight is limited, however this is

acceptable given the site constraints and the fact all living accommodation would receive adequate levels of natural daylight.

8.28. There is no external amenity space proposed, albeit a small private courtyard to Unit 4, however it is acknowledged that the site is located within a densely developed urban area and Officers consider the absence of external amenity space is mitigated by the site's close proximity to Drake's Place (1 minute walking distance) and Addison Park (3 minutes walking distance).

8.29. Information relating to noise has been provided which states the building will be designed to achieve the internal noise levels as set out within British Standard 8233:2014. This is accepted and it is recommended that this is conditioned.

8.30. Overall, Officers consider the development would provide good quality living accommodation for students.

6. The development does not conflict with adjacent uses or the general amenity of the surrounding area

8.31. The application building sits within a row of commercial units which currently comprise of a barbers and a lettings agency. A convenience store is located to the north and other commercial and residential uses are within the surrounding area. It is considered that the proposed student accommodation would not conflict with these uses.

7. Appropriate management plans are submitted ensuring that a positive and safe living environment is created for students and to minimise the potential negative impacts on the local community

8.32. A management plan has been submitted with this application. This details:

- Security systems that will be put in place, including high-definition CCTV system, video door-entry systems for all studios and a regular presence on site by the management team and its maintenance staff.
- A security plan which will serve students, visitors, team members or contractors and the local community will be put in place. It is recommended that Local Ward Councillors are also consulted on the security plan.
- The management team comprising of property managers and co-ordinators located in an office 2 minutes from the application site plus two full time maintenance staff, on call 24 hours a day via a dedicated mobile number which will be given to all tenants.
- Collaboration with Student Minds and Safe Space Alliance, a charity and not for profit organisation which focus on student health and wellbeing.
- Details on staff training, general support, building maintenance, cleaning, complaints, information sharing and monitoring of the security management plan.

8.33. The Council's Designing out Crime Officer raises no objection to the submitted management plan and it is recommended that compliance with the plan and the proposed security measures as detailed within the design and access statement are conditioned.

8.34. Officers consider that this management plan will minimise the potential negative impacts upon the surrounding area.

8. Detailed arrivals plans are submitted ensuring that adequate facilities are in place to accommodate vehicular movements in particular at the start and end of terms

8.35. The above mentioned management plan and the submitted travel plan covers the move in/move out process for students. There are two existing drop off spaces adjacent to the property and the move in dates for the 16 studios will be staggered. This is accepted by the Local Highway Authority.

9. All proposals are future proofed in terms of design to support potential alternative uses as appropriate.

8.36. Layout options have been provided which demonstrate how the units could be reconfigured to create residential flats with ancillary facilities such as a gym at basement level. Officers are content the site could be capable of conversion to alternative residential uses without significant intervention.

10. The levels of on street parking required can be reasonably accommodated or regulated through parking control measures

8.37. The Local Highway Authority note the site is located within a sustainable area of the city within close proximity of the train station, bus stops and cycle routes. The site is adjacent to three controlled parking zones C, D and J and residents would not be eligible to obtain parking permits or visitor tickets for these zones. An informative has been added to alert the Applicant that if the zones were to be extended, the property would be excluded from obtaining parking permits or visitor tickets. This would limit the opportunity for overspill on-street parking in the area. For these reasons, the Highway Authority consider the site could be deemed car free.

8.38. There are a number of public car parks within the locality for student, staff and contractor use.

8.39. As noted above, there are two existing vehicle parking spaces adjacent to the building, within the Applicant's ownership that will be utilised for student drop off.

11. There is adequate storage for recycling/refuse and cycles

8.40. In line with the Plymouth and South West Devon SPD, 16 cycle spaces should be provided within the development. 16 cycles are proposed in a designated cycle store within the building. This is accepted by the Highway Authority.

8.41. Four 2,200 litre bins (recycling and general waste) will be provided within appropriately designed external timber bin stores and this is accepted.

8.42. Overall, Officers acknowledge the proposal would add to an existing high concentration of student accommodation in this area, but as noted above, there are mitigating factors in place. On balance, Officers consider the proposal acceptable and complies with Joint Local Plan policies SPT2 and DEV12 and the Plymouth and South West Devon SPD.

Design

8.43. The site occupies a prominent position on North Hill, a key strategic route into the City Centre. Officers consider any proposed development must be of a high quality and positively respond to the site's context.

8.44. The design of the building has positively evolved since pre-application stage. Officers note the proposed redevelopment of just a part of the commercial terrace is challenging, in terms of how to successfully integrate this into the streetscape. However, the latest building design incorporates a good level of modelling and interest, and its height is appropriate for the corner plot whilst not appearing overly dominant when viewed against the adjacent single storey commercial units.

8.45. Officers have sought amendments to the southern flank wall and this now presents a greater degree of modelling and interest compared to previous designs, achieved through the use of contrasting materials and recessed panels, without prejudicing future development of the adjacent units.

8.46. Officers have requested additional windows/ recessed panels to the North Hill elevation, and these have been incorporated into the plans. Officers would wish to see the use of glass spandrel panels, with opaque dark ceramic backing plates which is considered a higher quality material. This could be dealt with through an appropriate materials condition.

8.47. The proposal includes Rockpanel cladding, which can be supported at upper floors, but is strongly discouraged at ground floor, due to likely wear and tear/ impact damage from passers-by. The Applicant has amended the plans removing the rockpanel cladding on the North Hill fronting elevation, where there are high levels of footfall, and replacing it with Plymouth Limestone. This is strongly supported and provides a high-quality contextual material for this prominent position on North Hill.

8.48. Officers have general concerns around the use of render on tall buildings within the City because of the issue of staining, which can be seen on other developments. The proposal is to partially render the building. As it is three stories in height and the Applicant proposes a high silicone content render, Officers consider this to be acceptable. A maintenance plan is recommended to ensure the appearance of the material remains in good condition.

8.49. There are currently a number of bins adjacent to the building within Bedford Terrace. The Applicant notes these bins are underutilised, given the site is currently vacant and proposes to create a timber external bin store with planting. Whilst an integral bin store would be preferable, the proposal is a clear improvement on the existing arrangement and can be supported.

8.50. The historic Bedford Terrace development was constructed between 1840 to 1850 and No. 9 Bedford Terrace is Grade II listed. A set of gate piers marks the entrance to Bedford Terrace and whilst not listed, the piers form an important historic feature. One of the piers is located to the north-west corner of the application building and the proposed plans show this is to be retained. Officers have therefore conditioned this. The second pier is not within the proposed site.

8.51. Overall, the proposed design is considered to be of a high quality and addresses its corner location on this key road. The proposal complies with Joint Local Plan Policy DEV20.

Drainage and Flooding

8.52. The site is located in Flood Zone I and considered to be at a low risk from fluvial and tidal flooding.

8.53. Surface water flood risk mapping indicates the site is at a low risk from a 1 in 100 year return period event. There is a surface water flow route west of the property within North Hill. Unmanaged surface water run off from this site therefore has the potential to increase surface water flooding downstream.

8.54. The site is located in a Critical Drainage Area where the Environment Agency considers the existing drainage system to be at or close to capacity.

8.55. There are no SWW surface water sewers in the vicinity of the site. There is a SWW combined sewer running through the site.

8.56. A flood risk assessment has been submitted in relation to the proposal. The proposal does not seek to increase the impermeable area of the site and proposes a partial green roof which will provide some level of attenuation. Due to limitations posed by the dense urban area and the absence of ground infiltration possibilities or nearby water courses, consent has been secured from South West Water for the surface water to discharge into the combined sewer.

8.57. The Lead Local Flood Authority raise no objection but recommend a pre-commencement condition requiring details of the existing and proposed drainage strategy including the green roof. Details of management and maintenance should also be conditioned along with a construction environment management plan to demonstrate how the new drainage system and water environment is protected during the demolition and construction phase.

8.58. With the addition of conditions as outlined above, the proposal complies with Policy DEV35 of the Joint Local Plan.

Climate Emergency

8.59. An energy statement and climate emergency compliance form has been submitted in relation to the application which demonstrates the building will achieve a 27% reduction in carbon emissions relative to Building Regulations Part L 2013. The submitted climate emergency form and proposed plans show the development will incorporate an air source heat pump and solar PV panels. Battery storage will also be provided within the building. The proposal seeks to reuse the existing building, which is positive in terms of carbon emissions. Officers are content the application complies with Policy DEV32 of the Joint Local Plan and will contribute to the City's climate emergency initiatives. Conditions securing the implementation of the renewable energy methods and submission of 'As built' SAP assessments are recommended.

Contaminated Land

8.60. A Landmark environmental report has been submitted which identified contamination is unlikely and no further action is required. The Council's Public Protection team raise no objection to this.

Biodiversity Net Gain

8.61. This application was submitted after the national biodiversity net gain requirement came into effect for minor development. However, as the site does not contain any priority habitat and/or less than 25sqm of other habitat, the development is considered 'de minimis' and is therefore exempt from the requirement.

8.62. Notwithstanding this, Officers encourage a biodiversity net gain and enhancements, which is an aim of Joint Local Plan Policy DEV26. Policy DEV23 seeks to secure landscape character and visual enhancements.

8.63. The development includes the creation of an 80sqm sedum (green) roof and the installation of planters (*Buxus sempervirens* hedging) at street level. On the western elevation of the building, bat and bird boxes will be installed along with bee bricks.

8.64. Officers welcome the ecology enhancements which will provide a positive biodiversity gain when compared with the existing site. Natural Infrastructure Officers have reviewed the proposed planting species for the sedum room and consider these suitable for the coastal environment. Full landscaping details and a landscape and environmental management plan should be conditioned to secure implementation. The proposal complies with Policies DEV26 and DEV23 of the Joint Local Plan.

HRA

8.65. The site underwent a Habitats Regulation Assessment by the Natural Infrastructure Team, which concluded that the application would have significant effect, without any avoidance or mitigation measures, on European and Internationally Protected sites. However, the effects are within those detailed in the Tamar Estuaries Management Plan and the Yealm Estuary Environment Management Plan and there is no significant impact on the protected sites.

9. Human Rights

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.

10. Local Finance Considerations

The development will be CIL liable.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have not been requested to mitigate the impact of development.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty. Officers consider that this application will not cause discrimination based on gender, age or disability.

13. Conclusions and Reasons for Decision

Officers acknowledge that the proposal would add to an existing high concentration of student accommodation in this area. However, whilst there is some conflict with criteria 3 of Policy DEV12, there are mitigating factors and the proposal complies with all other aspects of DEV12. Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal would contribute to the City's housing supply through the provision of a 16-bed purpose-built student accommodation. The proposal accords with the Joint Local Plan, Plymouth and South West Devon SPD and the National Planning Policy Framework and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 20.05.2024 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

I CONDITION: APPROVED PLANS

Site Location Plan and Block Plan 9007-DR-A-X-1000 Rev A received 19/07/24
Proposed Floor Plans Ground Floor Level 9007-DR-A-GF-1002 received 20/05/24
Proposed Floor Plans First and Second Floor Levels 9007-DR-A-X-1003 received 20/05/24
Proposed Floor Plans Roof Level 9007-DR-A-X-1004 Rev A received 20/05/24
Proposed Sections Section 1 9007-DR-A-X-1008 received 20/05/24
Proposed Sections Section 2 9007-DR-A-X-1009 received 20/05/24
Side Elevation 20052024 received 20/05/24

Site Location Plan and Site Block Plan 9007-DR-A-X-1000 Rev C received 27/08/24
Proposed Elevations. Front Elevation 9007-DR-A-X-1005 Rev B received 27/08/24
Proposed Elevations. Side Elevation 9007-DR-A-X-1006 Rev B received 27/08/24
Bin Store Details 9007-DR-A-X-1012 received 27/08/24
Proposed Elevations Side Elevation 2 9007-DR-A-X-1007 Rev A received 18/07/24
Proposed Floor Plans Basement Level 9007-DR-A-B-1001 Rev A received 18/07/24

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

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.

3 CONDITION: PROVISION OF DRAINAGE WORKS

PRE-COMMENCEMENT

No development shall take place until details of the existing and proposed surface water drainage system, including a full specification of the sedum roof, have been submitted to and approved in writing by the Local Planning Authority. The sedum roof shall be installed prior to occupation of any part of the building.

Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.

A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phase.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of satisfactory surface water management in accordance with Policies DEV2 and DEV35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

Justification: Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development.

4 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The development works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the development works and shall include details relating to the detailed programme of works, details of construction vehicle

movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The development works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan

Justification: Necessary to ensure traffic impacts associated with the construction works are managed.

5 CONDITION: HIGHWAY DILAPIDATION SURVEY

PRE-COMMENCEMENT

No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

Justification: To ensure the condition of the road is adequately recorded prior to the demolition phase and construction of the development.

6 CONDITION: LANDSCAPE DESIGN PROPOSALS

PRE-DAMP PROOF COURSE (DPC)

No development shall take place beyond damp proof course until details of the landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the following approved drawings and reports:

- Ecology Plan, dated 3rd April 24
- Proposed Floor Plans 9007-DR-A-GF-1002 and 9007-DR-A-X-1004 Rev A

The landscape works shall include:

i. Soft landscape details:

- a. Full soft landscape specification; plant species and size (to HTA standards), soil/roof build-up details, planting spec and establishment care.
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.

All 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. Any dead or defective planting shall be replaced with a period of 5 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan and Paragraph 130, 131 & 134 of the National Planning Policy Framework.

7 CONDITION: LANDSCAPE AND ENVIRONMENTAL MANAGEMENT PLAN

PRE-DPC

No development shall take place beyond damp proof course until a Landscape and Environmental Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The content of the LEMP shall include the following;

- i. Description and evaluation of features to be managed, including extent of proposed works shown on appropriate scale maps and plans.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- v. Preparation of a work schedule, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures, which should liaise with long-term maintenance initiatives.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Policies SPT12, DEV20, DEV23 & DEV26 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

8 CONDITION: EXTERNAL MATERIALS

PRE-DPC

Notwithstanding the approved elevation plans, development shall not proceed past damp proof course, 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 DEV20 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

9 CONDITION: MAINTENANCE SCHEDULE

PRE-DPC

Development shall not proceed past damp proof course until a Maintenance Schedule for the exterior of the building has been submitted to and approved in writing by the Local Planning Authority. The said Maintenance Schedule will provide details relating to how all external materials shall be maintained in a good, clean condition and appearance for the building's lifetime and how any problems with corrosion, discolouration, weathering, or other defects will be rectified promptly. Once approved, the building shall be operated in accordance with the approved schedule.

Reason:

To ensure that the appearance of the building remains satisfactory throughout its lifetime and that the building is in keeping with the standards of the vicinity in accordance with policies DEV20 and DEV21 of the Plymouth & South West Devon Joint Local Plan and the National Planning Policy Framework.

10 CONDITION: ECOLOGICAL MITIGATION

PRE-OCCUPATION

Prior to occupation of the development hereby approved, plans for the specification and locations of bird and bat boxes and bee bricks within the fabric of the building shall be submitted and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

11 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The residential accommodation hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan (9007-DR-A-GF-1002) for 16 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 DEV29 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

12 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

The residential accommodation hereby permitted shall be occupied and managed in accordance with the submitted Travel Plan (dated July 2024).

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 DEV29 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

13 **CONDITION: AS-BUILT SAP ASSESSMENT**

PRE-OCCUPATION

Prior to the occupation of the development hereby approved, an as-built SAP Assessment shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the scheme has achieved regulated carbon emissions levels of 20% less than that required by Building Regulations Part L.

Air source heat pumps, battery storage and solar PV panels shall be provided for within the development in accordance with the submitted details and approved plans and thereafter be retained.

Reason:

To ensure that the scheme provides sustainable and low carbon development in line with policy DEV32 of the Plymouth and South West Devon Joint Local Plan and the Plymouth and South West Devon Climate Emergency Planning Statement (2022).

14 **CONDITION: MANAGE STUDENT ACCOMMODATION**

PRE-OCCUPATION

The security measures as detailed within the Design and Access statement (dated May 2024) shall be implemented prior to first occupation of the building.

The property shall be managed in accordance with the Student Management Plan dated 1st July 2024 unless an alternate management plan is agreed in writing with the Local Planning Authority. Consultation with Local Ward Members shall be carried out prior to implementation of the security plan.

The management plan shall be adhered to strictly at all times.

Reason:

In the interests of resident's safety, neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with Policies DEV2 and DEV10 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

15 **CONDITION: DROP-OFF CAR PARKING PROVISION**

PRE-OCCUPATION

The building shall not be occupied until the drop off space shown on the approved plans has been brought into use in accordance with the approved details and details regarding the management and enforcement measures for the drop-off spaces have been submitted to and approved in writing by the Local Planning Authority.

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 Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

16 **CONDITION: BIN STORAGE**

PRE-OCCUPATION

The development hereby approved shall not be occupied until the bin storage area shown on the approved plan (9007-DR-A-X-1012) has been made available for use. The bin storage area 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. Waste and recycling bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with Policies DEV1, DEV2 and DEV31 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

17 **CONDITION: STUDENT BEDROOMS**

No more than 16 student rooms at the property shall be used as bedrooms. The Local Planning Authority must give written approval to any variation of this requirement.

Reason:

The proposed layout, together with the use of the remaining rooms for communal facilities has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with Policies DEV10 and DEV12 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

18 **CONDITION: GATE PIER**

The development hereby approved shall be constructed in accordance with the approved elevation plans (9007-DR-A-X-1005 Rev B and 9007-DR-A-X-1006 Rev B). The gate pier to the north west corner of the application building is to be retained at all times.

Reason:

To ensure that the non-designated heritage asset is retained, in accordance with Policy DEV21 of the Joint Local Plan and South West Devon Joint Local Plan.

19 **CONDITION: HOURS OF CONSTRUCTION**

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and Southwest Devon Joint Local Plan.

20 **CONDITION: NOISE**

The development shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (07:00 to 23:00 daytime) and 30 dB LAeq for bedrooms (23:00 to 07:00 night-time), with windows shut and other means of ventilation provided.

Reason:

To ensure that the student accommodation hereby permitted achieves a satisfactory living standard and do not experience unacceptable levels of noise disturbance to avoid conflict with Policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan and Section 15 of the National Planning Policy Framework.

21 **CONDITION: STUDENT USE**

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, 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. If any occupation is required not in-line with the above, a written request detailing the type and duration of the occupation required and justification for it shall be submitted to and approved in writing prior to said occupation taking place. The occupation shall then accord with the approved request.

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 to comply with policies DEV10 and DEV12 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

INFORMATIVES

I **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

2 INFORMATIVE: RESIDENT PARKING PERMIT

The development has been assessed as 'car free' development. To ensure that the development remains car free the occupiers of the property shall be exempt from obtaining any parking permits should the site be included in any new or expanded Controlled Parking Zones in the future.

3 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and 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.