

ITEM: 07

Application Number: 09/01400/FUL

Applicant: Pillar Land Securities

Description of Application: Erection of student accomdation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping

Type of Application: Full Application

Site Address: LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE DERRIFORD PLYMOUTH

Ward: Moor View

Valid Date of Application: 29/09/2009

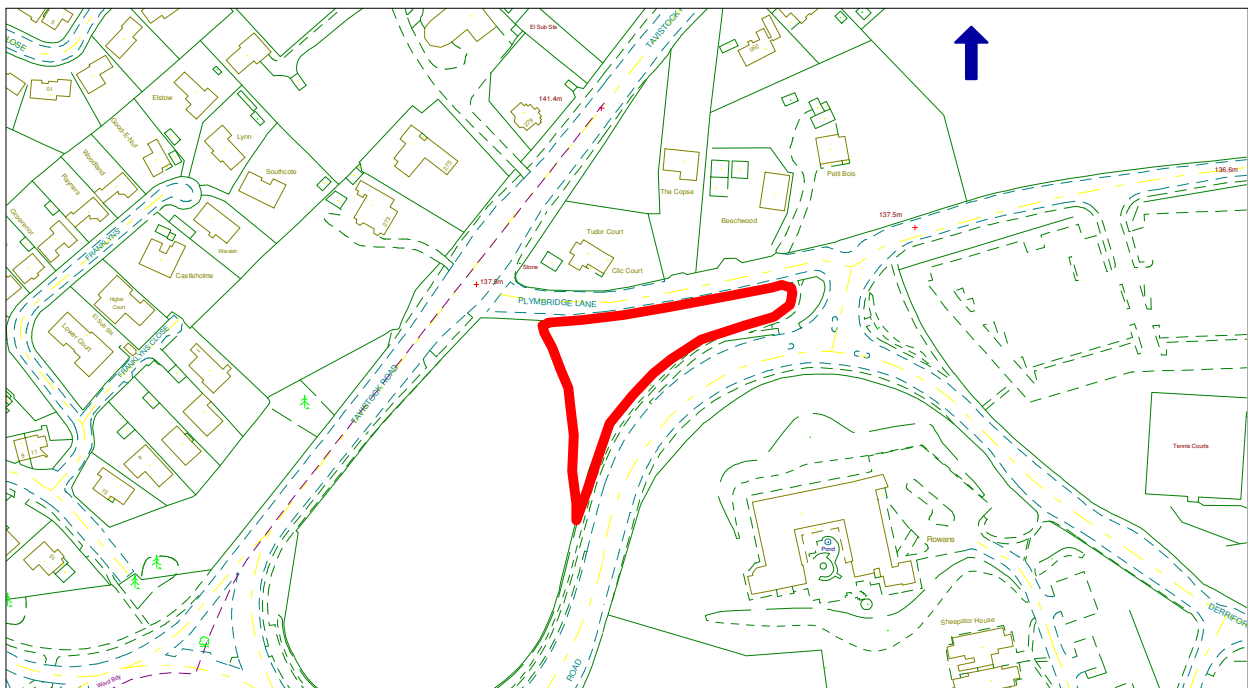
8/13 Week Date: 29/12/2009

Decision Category: Major Application

Case Officer : Robert McMillan

Recommendation: Grant conditionally subject to S106 Obligation delegated authority to refuse 23/12/09

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OFFICERS REPORT

Site Description

The site is an island plot surrounded by Plymbridge Lane, Derriford Road and Howeson Lane. It has an area of 0.17 hectare and frontages with Plymbridge Lane of 55 metres and Derriford Road of 98 metres. It is the remainder of the old Lozenge site that was developed in the early 2000's for a hotel, pub and car dealership that lie to the south west. There are houses to the north and the new accommodation for Derriford staff to the northeast, next is the part of the airport to be developed for housing with the Devonshire Raquet club to the east. The former "Rowans", hospital accommodation and car park are to the south east that now forms part of the North West Quadrant development site.

The land is unkempt and is made up ground. The land slopes from north to south with a maximum fall of 3 metres.

Proposal Description

The proposal is to develop the site for student housing in two buildings. These are at right angles to each other forming a small parking courtyard facing Derriford Road. There is accommodation for 123 occupiers grouped around 16 kitchen/living areas. Block A is on the western part of the site would front Howeson Lane, It would be mainly four storeys but would drop down to three storeys at the northern end facing Plymbridge Lane. At the southern part fronting Derriford Road it is five storeys owing to the drop in levels across the site. It is 39 m long by 11m wide. The height would vary: at the northern end it is 9m rising to 11m. At the southern part it is 14.5m and in the central part containing the stairwell, lift housing, plant room and a kitchen/living area is 14m. There is solar shading at southern end attached to a mast like structure.

It would provide space for 69 students grouped around nine kitchen/living areas including one accessible study bedroom, a laundry room and a refuse and recycling room

Block B fronts Plymbridge Lane and is a three/four storey building. It is 40m long by 11m wide. The three storey part is 9m high, the four storey element is 11m and the stairwell, lift housing, plant room is 12m. There are 54 study bedrooms grouped round seven kitchen/living areas with one accessible room and a refuse and recycling room. There is solar shading at eastern end attached to a mast like structure.

Access is from Plymbridge Lane with seven parking spaces and parking for 41 cycles. Landscaping would be in the three corners and along the Derriford Road frontage.

The materials are coloured render, timber boarding, grey cladding, aluminium cladding and roof and aluminium windows doors and curtain walling.

Relevant Planning History

Adjoining land on the developed part of the Lozenge site

Mercedes-Benz dealership

04/04/00722 – RESERVED MATTERS - Detached building for use as motor vehicle dealership with associated workshop stores, valet and MOT testing facility, showroom and car parking/landscaping – APPROVED.

02/ 01026 – RESERVED MATTERS - Erection of a part single/part 2 storey building for a motor dealership and workshop and parking and display areas - APPROVED.

01/00489 – OUTLINE - Erection of a motor garage and car showroom, with vehicular and pedestrian access off Plymbridge Lane, and a bus lane - GRANTED CONDITIONALLY

Hotel and pub

03/01193 – RESERVED MATTERS - Erection of a hotel (revised scheme) - APPROVED.

02/01005 – RESERVED MATTERS - Erection of a hotel, pub/restaurant, parking, access and landscaping - APPROVED.

02/01004 - Variation of a condition to allow work to begin on the hotel and pub/restaurant in advance of the highway works - GRANTED.

01/00490 – OUTLINE - Erection of a pub and restaurant – GRANTED

01/00488 – OUTLINE - Erection of hotel and restaurant together with new vehicular and pedestrian access off Plymbridge Lane and a bus lane - GRANTED CONDITIONALLY

Unimplemented permissions on the Lozenge

01/00485 – OUTLINE - Erection of offices (class B1), with vehicular and pedestrian access off Plymbridge Lane and a bus lane -GRANTED CONDITIONALLY.

01/00486 – OUTLINE - Erection of creche and nursery, with vehicular and pedestrian access off Plymbridge Lane, and a bus lane - GRANTED CONDITIONALLY.

Consultation Responses

Environment Agency

No objection subject to conditions on flood risk and contaminated land.

Plymouth City Airport

No objection provided that the noise issues have been addressed.

Highway Authority

No objection provided that there are adequate measures in place to mitigate the reduced parking on site through appropriate terms in the section 106 agreement and conditions. These matters are dealt with in the "Analysis" section below.

Highways Agency

No objections

Public Protection Service

No objection subject to conditions on ground contamination and noise so that habitable rooms meet the "good room criteria".

Architectural Liaison Officer

No objections.

Representations

With the withdrawn application – 09/01088 the Council received four letters raising the concerns below. Officers assume that the writers will require their objections to apply to this later application. Any additional comments will be reported in the addendum report. The comments previously raised are:

1. The development is too high;
2. Out of character with the area which is two and three storeys; it is more suited to the inner city than this out of centre location;
3. Overdevelopment of the site and too high a density;
4. Inadequate parking: as a comparison the halls of residence at Marjons have more parking;
5. Will exacerbate existing on street parking;
6. Dangerous access will add to the hazard caused since Plymbridge Lane was opened onto Tavistock Road and the speed of traffic entering from the slip road;
7. Since the Lozenge was developed a few years ago there has been harm to amenity caused by an increase in traffic, pollution, fumes, damage to the highway, problems with the transporters to the car dealership, nuisance from patrons of the Jack Rabbit PH, litter and obstruction from an unofficial taxi rank: the proposal will add to this adverse change in the character of Plymbridge Lane;
8. Visual harm;
9. Harm to residential amenity;
10. Overlooking;
11. Loss of light;

12. The supporting statement cites Council policies and aspirations but does not show how the application complies with them and the writer believes it does not for the reasons stated above;
13. Nuisance from the anti-social behaviour of some of the occupiers especially late at night and from sound systems with no proper supervision;
14. There are more suitable sites elsewhere in the Derriford area and at Marjons;
15. Invalid information on the drawings, no finished heights are shown, elevations and sections are not in perfect alignment and are deceptive;
16. The new hospital workers' accommodation on Plymbridge Lane originally had far fewer car parking spaces but more were provided during consideration of the application;
17. That development is more in keeping with the area and sensitive to adjoining properties and similar principles should apply to this application;
18. Occupiers on Plymbridge Lane could be forced to install automatic gates to avoid illegal parking that would add to danger on the lane while they are waiting to enter;
19. Possible damage to cars at the dealership from vandalism;
20. Possible damage to cars at the dealership from dust and debris during the construction phase so there should be a code of practice condition;
21. The scheme should be amended by reducing the height, scale and massing with fewer bed spaces, more car parking and landscaping.
22. Loss of views; and
23. Property devaluation.

Plymouth University commented on the previous application in support of it. It is ideally located for its students based at Marjons at the Peninsula Allied Health Centre and students at the Medical and proposed Dental School.

In a second email the University stresses that it does not want to be seen as interfering in the planning process or siding with one application rather than another. But it provides useful background for members and officers.

The University is facing an acute accommodation problem and is short by about 2,000 beds. This can affect recruitment and have a bad effect on the University. There is an increasing preference from students and parents for institution accommodation. Halls of Residence are better for students and can be managed more effectively. The inability to offer all first year students and all those from overseas is a serious competitive disadvantage.

The University supports limited parking as part of its Travel Plan and strongly discourages students to bring cars. It provides a bus service between Derriford and the city centre.

The provision of satisfactory student accommodation is critical to the continued success of the University which benefits the City.

Analysis

The main issues with this application are: the principle of the use; design; impact on residential amenity; transport and parking; and tariff/section 106 matters. The main policies in the Local Development Strategy that relate to this development are: Area Vision 9 Derriford / Seaton and the emerging Area Action Plan, CS14 New Education Facilities, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, CS02 Design, CS34 Planning Application Considerations, CS28 Local Transport Considerations, CS33 Community Benefits / Planning Obligations and the Planning Obligations and Affordable Housing SPD.

Background

This application has been fast-tracked to link with the proposed new Dental School at the Tamar Science Park. The reserved matters application for the Dental School - 09/01379 - is also on this agenda following the grant of outline permission earlier this year – 09/00206. It is due to open in September 2011. The applicant is eager to complete the student accommodation at the same time in order to provide accommodation for the dental students together with other students based at Derriford.

The applicant's team only started pre-application discussions in July 2009 making the first application – 09/01088 – in August. Changes were required and more negotiation was needed on the design, tariff and section 106 agreement. The applicant withdrew the application and quickly re-submitted. Officers were still negotiating the terms of the section 106 agreement while the report was prepared.

Principle

The Council's aspirations for Derriford in AV9 are to create a mixed use urban centre at the heart of the north of Plymouth that is well connected to the surrounding communities. Key components include: creating a new district centre; developing its employment strength as a major centre for economic development; advancing the provision of important health, further education and transport infrastructure; providing a new high quality northern gateway into the city; and creating a strong urban form of sufficient scale. The vision and AAP show the site within an area of "residential led mixed use".

The immediate surroundings have been and will be subject to significant change with new commercial uses on the former paddock known as the Lozenge of which the site is the last remnant and key worker housing for Derriford Hospital staff on the opposite side of Plymbridge Lane. Permission was granted in June this year for improvements to the airport and about 300 dwellings and business units on the recently closed secondary runway – 08/01968. The owners of the North West Quadrant on the other side of Derriford Road to the south will shortly be making an outline application for a substantial mixed use redevelopment.

The University has a presence in Derriford at the Peninsula Medical School, proposed Dental School and Peninsula Allied Health Centre.

Policy CS16 emphasises the importance of Derriford for housing as one of the three priority locations with 3,500 new homes proposed for 2021. Student housing is clearly residential development but it is specialised form of accommodation and is not included in the dwelling allocations targets. It can also be seen as a higher education ancillary facility. Given the Council's objectives to realise the development and growth potential at Derriford the proposed use is residential and it would provide managed institutional student accommodation for the medical, dental and other students based at Derriford. This will help maintain the University's competitive edge and ability to continue attracting students. This accords with the Area Vision and the allocation for the site in the emerging AAP for residential led mixed use. Also it is a sustainable location for students based at the Derriford as it is in easy walking and cycling distance from the key destinations. The walking distances are: 0.8km to the Medical School, 1km to the proposed Dental School, 0.65km to Marjons and 0.5k to Derriford Hospital. It is a sustainable location for its intended use complying with policies CS01, CS16 and CS28.

Design

The triangular shape of the site dictated the layout with two blocks at roughly right angles with Block A facing Howeson Lane and Block B fronting Plymbridge Lane separated by the access from Plymbridge Lane. The scale, height and massing have been a contentious issue originally with officers and continues to be so with the occupiers of the three houses on Plymbridge Lane. Originally the applicant proposed buildings four to six storeys high. Officers then agreed with the neighbours' views that this would be too great a scale and too dominant. They sought changes and the applicant agreed by removing the fifth storey of Block A, (which reads as six storeys when viewed from Derriford Road). The northern part of Block A and the western part of Block B have been reduced to three storeys. This reduces the scale and massing of the development and lessens the impact on the outlook of "Tudor Court", the property closest to the site. It is now a three and four storey scheme with the southern part of Block A reading as five storeys.

The neighbours are quite right to observe that the surrounding development is two and three storeys high with the recent Hospital key worker housing built at a similar scale. One resident lucidly states that: "...this is a development of urban, inner city massing and scale in an out of town location and yet which is identical in nature and character with the various high density student accommodation developments dotted all around the city centre area..." If this part of Derriford was to remain as a low density residential area not subject to major change this would be a forceful argument.

But a crucial planning fact is the proposal in the Core Strategy and emerging AAP to enable Derriford to grow providing for a district centre and shops, employment, health related uses, and housing. The aim as stated in 4.81 of the draft AAP is to create a new high quality 'northern gateway' into the city,

with a strong sense of place. It continues that "...A strong urban higher density mixed use character should be delivered in contrast to the current out of town, car dominated and dispersed character." This island site at the junction of Plymbridge Lane and Derriford Road lends itself to a development of this scale. The amended scheme is considered to be acceptable in accordance with AV9, policies CS02 and CS34 and the emerging AAP.

Residential amenity

Officers sympathise with the occupiers of the houses in Plymbridge Lane that the character of the area has and will continue to change. They are on the edge of the established residential area of Tavistock Road to the north and mixed use Derriford development area to the south. Indeed at one time it was possible that the area of land comprising "The Copse", "Tudor Court" and site where the new house is, could have been redeveloped. But terms could not be agreed by all the parties so no scheme was proposed. The amenity of these properties has to be protected to comply with policies CS02 and CS34 and sound planning practice. The appearance of this part of Plymbridge will become more urban. The outlook from Tudor Court will be affected but the reduction in scale of the parts of the proposal closest to it has lessened the impact to an acceptable level. The kitchen living areas on Block B have no windows facing Tudor Court. There are small subordinate windows on the northern elevation of Block A on the first and second floors. There is adequate natural light to these rooms and officers will seek to have them removed. If they must remain they will be conditioned to be non-opening and glazed in obscure glass. There would not be overlooking.

The Copse and the new house are affected but to a lesser degree as they are set well back from the Plymbridge Lane and are 45 – 47 metres from Block B with the new house partly shielded by Tudor Court.

Residents are naturally concerned about the large number of students at a high density and the potential for anti-social behaviour and nuisance from some of the occupiers. The property will be a properly managed hall of residence. A condition and informative are provided ensuring that the developer submits for approval the management arrangements. These will include an on-site warden, tenancy agreements, contact details should complaints arise and the procedure for handling them. This will help to reduce the risk of students' actions causing undue disturbance.

Given the changes to the scheme to reduce the impact on residential amenity and provided the property is well managed it is considered that it would not cause undue harm to nearby properties and complies with policy CS34.

Transport and Parking

The local highway authority (LHA) does not object to the use or the access arrangements. The LHA's main concern is the lack of dedicated off-street parking for 123 students. To comply with the parking standard 39 spaces should be provided but only seven are. It is a sustainable location in relation

to the educational establishments nearby where the students would study as stated above in the "Principle" section. A case can be made for the development to be "car free" for the students' academic purposes. There are currently few facilities in Derriford, (although it is intended that this will change over time as the district and local centres develop and other mixed uses are attracted to the area). This would lead to students needing access to the use of a car at evenings and the weekends. Some students would be tempted to bring their cars and park on surrounding streets where there are no parking controls or residents' parking permit zones in place.

The applicant has proposed a car club with two cars on site for the students to book for periods of varying length depending on demand and availability. The precise details still need to be developed and agreed. The principle is welcomed by officers and it could act as a catalyst in establishing car clubs in the Derriford area and city. This would need to be covered in the section 106 agreement. The applicant has offered £57,395 to fund transport initiatives including the car club and a limited number of travel passes.

The traffic consultants have submitted a comprehensive Travel Plan which will promote and encourage sustainable means of travel and will be tied to the application by condition. The siting of the new access will involve slight changes to the location of the tactile paving crossing point and the need for tactile paving either side of the access. Subject to the section 106 agreement and conditions the proposal is acceptable and complies with policy CS28.

Tariff and Planning Obligations

The issue of the tariff and section 106 agreement has proved to be a contentious one. Officers calculated the tariff based on the Planning Obligations and Affordable Housing SPD (SPD) and applied the 50% discount as part of the measures to stimulate recovery of the development industry. This gives a figure of £98,960 plus a management fee. The applicant has argued that the tariff ought not to apply to this development and even if it does it can't meet it on viability grounds. It cited a recent Secretary of State appeal decision at Greenhithe Dartford to support its argument. The applicant did not submit it as evidence but officers obtained a copy. First, it is an important decision but is not a court case and does not have binding legal authority. Second, the facts are clearly distinguishable. At Dartford there was no adopted Core Strategy, no tariff/obligations SPD, the policy it had in place had not been subject to proper public consultation and the tariff did not differentiate between types and sizes of dwelling. In all these circumstances the opposite applies at Plymouth and, contrary to contradicting your officers' approach, the decision justifies it and the procedures in place here. The Government is consulting on the proposed Community Infrastructure Levy (CIL) and when it is introduced it will affect the tariff and section 106 regime. This could prevent the continued use of tariffs. But they are still lawful and accepted practice. If they are to be removed there would be a two year transition period before any such restriction took effect.

The policy framework for section 106 contributions is contained in policy CS33 and the Planning Obligations and Affordable Housing SPD. Paragraph 3.2 of the SPD states that the development tariff will affect all residential developments. The proposed student accommodation is residential development. The table on page 17 applies to C3 dwellinghouses. For other forms of residential development the LPA adopts a reasonable approach.

In this case the approach officers adopted is reasonable by considering the cluster units for 7 and 8 students as 5+ bedroom dwellinghouses especially when the document assumes an average household size of only 3.13 for such units in the table at paragraph 3.29.

The rationale for the contributions is given in the SPD. A contribution for education and children's services does not apply to this proposal. Officers also agreed that a contribution for playspace was unreasonable. The applicant has challenged this approach but is offering a contribution in order to deliver the scheme.

There has been much discussion and negotiation on this matter. The applicant originally offered a contribution of £15,000 for public transport and travel passes. It then raised it to £25,000 and finally to £57,395. The applicant has submitted viability appraisals to show the marginality of the development. The Planning Service is developing an expertise in the assessment of such appraisals and believes that the appraisal could be unduly pessimistic. It is possible that the development might be more profitable than the applicant predicts. If this happened there could be scope to secure an additional contribution as "clawback". Officers are still negotiating this matter and will update members on the progress in the addendum report and at the meeting.

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

Equalities and diversities issues

The likely users of the development are students mainly aged 18 – 25 years. It will be available to men and women, people of all faith and race groups and there are two rooms for people with disabilities. The building will be designed to be fully accessible. There is no requirement for Lifetime Homes given its specialized target group. As the site is close to family houses it is essential that the facility is properly run and there is a robust management agreement to ensure that existing residents do not suffer from any undue nuisance and disturbance. It will not have a negative impact on any group.

Section 106 Obligations

The terms in the section 106 agreement the officers are seeking are:

1. A contribution of £57,395 towards transport initiatives to mitigate impact of the reduced level of on-site car parking to include the establishment of a car club and a limited number of travel passes; and
2. A management fee of £2,870.

Conclusions

This has been a difficult application given the speed of the project to meet the completion date of September 2011 to link with the opening of the new Dental School and its effect on the three houses on Plymbridge Lane. These occupiers have experienced considerable recent change and will continue to do so if development happens to meet the Council's ambitious aims for Derriford. The character of the lane has changed from a relatively quiet street to a busier one and this will continue. The three properties are in a transition zone between the established residential area to the north and the proposed mixed use development areas to the south. The objectors believe the proposal is overdevelopment, at too great a scale, too high and out of character. The site is a prominent island one at the junction of Derriford Road and Plymbridge Lane that is capable of accommodating development at a greater scale. This approach is supported in the Area Vision for Derriford and the emerging AAP. The applicant has cooperated with the local planning authority (LPA) by reducing the height and scale of the buildings to reduce the impact on the nearest property.

Officers also understand the concerns of a large number of students on this land. It will be a hall of residence with a warden subject to approved management arrangements to prevent anti-social behaviour causing undue nuisance to neighbouring properties. The objectors do not think that these changes go far enough but officers believe that the scheme is an acceptable design and would not cause undue harm to residential amenity.

The site is a sustainable one for students based at Derriford with the key educational premises all within easy walking distance. But there are currently few facilities in the locality and there will be pressure for the students to have use of a car at weekends and evenings. The limited parking is acceptable provided there are appropriate transport measures in place to seek to reduce the pressure for on-street parking on surrounding streets from this development. The applicant has worked with officers and is offering to provide a car club scheme and a contribution for travel permits. This would provide adequate mitigation to overcome concerns related to the limited on-street parking.

The applicant is unable to offer all of the tariff calculated by officers on viability grounds given the marginal nature of the scheme. If the development proves to be more profitable than the applicant predicts the LPA there might be scope to obtain an additional contribution. This is still subject to negotiation and officers will update members at the meeting. Officers hope that the applicant

is able to complete the section 106 agreement in time but, if not, the application would have to be refused by failing to provide adequate community benefits contrary to CS33 and the Planning Obligations SPD. This is necessary to meet the 13 week determination target.

Finally the main advantage of the development is that it provides much needed student accommodation in the Derriford Area in particular for the new Dental School. This will help maintain and enhance the University's competitive edge and growing reputation that benefits the economy and standing of city. It also provides an additional catalyst for the growth proposed for Derriford. For all of these reasons the application is considered to be acceptable.

Recommendation

In respect of the application dated **29/09/2009** and the submitted drawings, **09101-EX.01-A, 09101-SD.01B, 09101-SD.02B, 09101-SD.03B, 09101-SD.04B, 09101-SD.05B, 09101-SD.06B, 09101-SD.07B, 09101-SD.08B, 09101-SD.09, flood risk assessment, phase 1 geo-environmental desk study, transport statement, draft travel plan, planning statement and sustainable resource use statement, and accompanying design and access statement,** it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse 23/12/09**

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.

FLOOD RISK

(2) 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:-

1. Details of the drainage during the construction phase;
2. A timetable of construction;
3. A construction quality control procedure;
4. Details of the final drainage scheme;
5. Provision for overland flow routes; and
6. 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 to comply with policy CS21 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

LAND QUALITY

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until 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 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 survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

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

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

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 section 1, 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

CODE OF PRACTICE

(4) Prior to the commencement of the development hereby approved, a detailed management plan for the demolition/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.

NOISE ATTENUATION

(5) All bedrooms and living spaces should be designed to meet the "Good Room Criteria" as set out in BS8233:1999. Particular attention should be paid to the roof structure and the level of mitigation required to achieve this standard on the higher floors given the close proximity to the nearby airport which is a source of high noise levels. Details showing how this standard can be achieved shall be submitted to and approved in writing by the local planning authority before work begins on the superstructure of the development hereby permitted. The development shall be completed in accordance with the approved details.

Reason:

To ensure that the proposed dwellings 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

STREET DETAILS

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

Reason:

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

ACCESS (CONTRACTORS)

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

Reason:

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

CAR PARKING PROVISION

(8) 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 details submitted to and approved 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

(9) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 41 bicycles to be parked.

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.

CYCLE STORAGE

(10) 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.

STAFF TRAVEL PLAN

(11) The development hereby permitted shall not be occupied until a Travel Plan (TP) has been submitted to and approved in writing by the Local Planning Authority. The said TP shall seek to encourage staff 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 TP; 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 TP.

Reason:

In the opinion of the Local Planning Authority, 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.

LANDSCAPE DESIGN PROPOSALS

(12) 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.).

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

(13) 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.

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

(14) 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.

DETAILS OF FLOODLIGHTING

(15) Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(16) 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 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.

STOCKPILING/PROT. OF EXISTING TOPSOIL

(17) Existing topsoil stripped for re-use must be correctly store in stockpiles that do not exceed 2 metres in height and protected by chestnut palings at least 1.2 metres high to BS 1722 Part 4 securely mounted on 1.2 metre minimum height timber posts driven firmly into the ground.

Reason:

To ensure that the structure of the topsoil is not destroyed through compaction; that it does not become contaminated; and is therefore fit for re-use as a successful growing medium for plants in the interest of amenity e in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(18) 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 th ebuildings are occuoied. 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.

EXTERNAL MATERIALS

(19) 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

(20) No development shall take place until details and 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.

OCCUPANCY RESTRICTION

(21) The premises shall only be occupied by students in full-time education, a warden (who may not be in full-time education) and by delegates attending conferences or courses during vacation periods and for no other purpose. No such delegate shall occupy the premises for more than four weeks in any calendar year.

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 limited on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(22) The buildings 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 property 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 Core Strategy Development Plan Document 2007.

RENEWABLE ENERGY

(23) No work shall begin on the development hereby permitted until a report on on-site renewable production has been submitted to and been approved in writing by the local planning authority for that phase. The report shall identify how a minimum of 10% of the carbon emissions are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered. The proposed solutions should be considered in the light of the Derriford Sustainable Energy Strategy. The approved scheme shall then be provided in accordance with these details prior to the occupation of any building within that phase of development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To provide on site renewable energy production to off-set 10% to 15% of predicted carbon emissions comply with Policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

FURTHER DETAILS

(24) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- the solar shading structures. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they 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.

(25) The subordinate windows in the kitchen/living areas on the northern elevation of Block A shall be glazed in obscure glass with a minimum level of obscuration of level four and be fixed and non-opening.

Reason:

To protect the residential amenities of nearby properties by preventing overlooking and undue disturbance to comply with policy 34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE 1: CODE OF PRACTICE

(1) The management plan required by condition 4 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:

1) Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.

2) 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, construction traffic parking.

3) Hours of site operation, dust suppression measures, noise limitation measures.

INFORMATIVE 2: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under condition 22 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.
- 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 three working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

Statement of Reasons for Approval and Relevant Policies

The proposed residential use is at a sustainable location for students based in the Derriford area and complies with AV9 of the adopted Core Strategy and policies CS01, CS14, CS15 and CS16 and the emerging Derriford and Seaton Area Action Plan. The scale of building is higher than surrounding buildings but is considered acceptable at this prominent 'island' site where a greater density of development is proposed as part of the growth strategy for Derriford. The fear of disturbance from the occupiers of the proposal will be mitigated as the premises will be run as a managed hall of residence with management arrangements to be approved by the local planning authority that will include an on-site warden. The design is satisfactory and would not cause undue harm to visual or residential amenity to comply with policies CS02 and CS34. The parking shortfall will be mitigated by appropriate transport measures including a car club and some bus vouchers as part of the section 106 agreement to reduce the pressure of on-street parking on surrounding roads to comply with policies CS28 and CS33 and the Planning Obligations and Affordable Housing SPD. For these reasons 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 (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
SO11 - Delivering a sustainable environment
SO1 - Delivering Plymouth's Strategic Role
SO2 - Delivering the City Vision
SO3 - Delivering Sustainable Linked Communities
SO4 - Delivering the Quality City Targets
AV9 - Derriford/Seaton
SO10 - Delivering Adequate Housing Supply Targets
SO13 - Delivering Sustainable Waste Management Targets
SO14 - Delivering Sustainable Transport Targets
SO15 - Delivering Community Well-being Targets
CS26 - Sustainable Waste Management
CS31 - Healthcare Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines