

ITEM: 6

Application Number: 10/01140/FUL

Applicant: The Lozenge LLP

Description of Application: Erection of student accommodation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping: minor material amendments to the application granted on appeal, refs 09/01400, APP/N1160/A/10/2121534

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: 28/07/2010

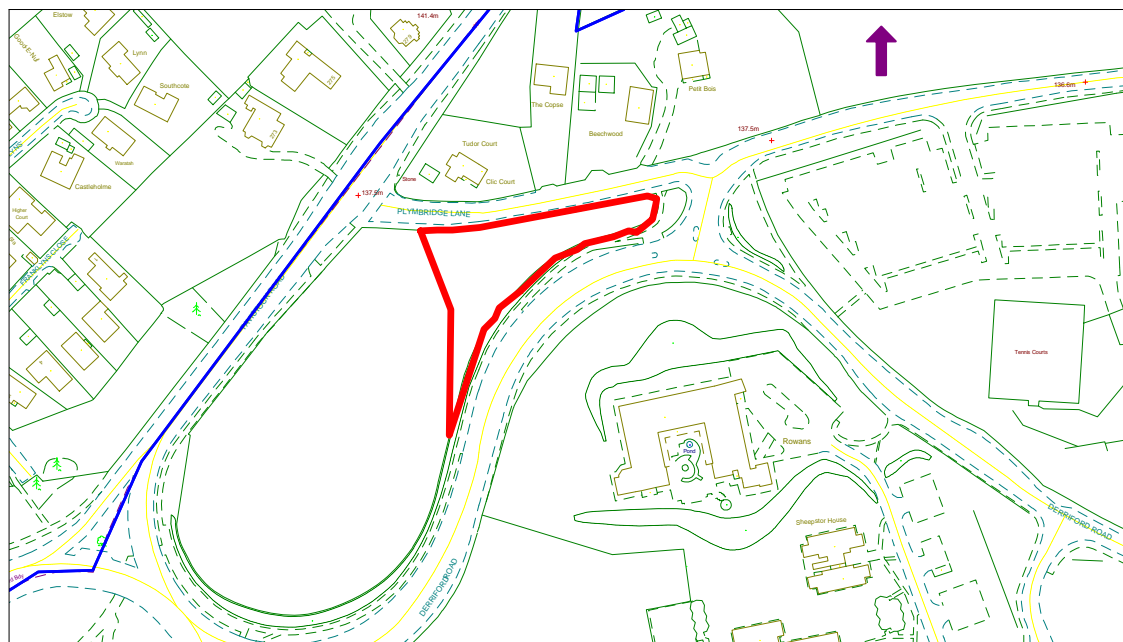
8/13 Week Date: **27/10/2010**

Decision Category: Major Application

Case Officer : Robert McMillan

Recommendation: Grant conditionally subject to the completion of a Section 106 with delegated authority to refuse if not complete by 27/10/2010

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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 and plant room is 14m. There is solar shading at southern end attached to a mast like structure.

It would provide space for 68 students grouped around nine kitchen/living areas including one accessible study bedroom, a laundry room and a cycle store room.

Block B fronts Plymbridge Lane and is a three/four storey building. It is 39m 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 55 study bedrooms grouped round seven kitchen/living areas with one accessible room. There is solar shading at eastern end attached to a mast like structure.

Access is from Plymbridge Lane to a courtyard with parking for two disabled spaces, and two spaces for the car club. Either side of the entrance are two areas to be used mainly for loading and unloading purposes. There is also a bin storage compound. Landscaping would be provided in the three corners and along the Derriford Road frontage.

The materials are shown to be coloured render, timber boarding, grey cladding, aluminium cladding and roof and aluminium windows doors and curtain walling. Officers had previously negotiated the use of natural stone to add local distinctiveness that should be provided.

Relevant Planning History

Application site

09/01888 – FULL - Erection of one three-five storey building and one three storey building for student accommodation for 107 occupiers, arranged around 14 communal dining/living spaces, access, parking and landscaping GRANTED subject to a Section 106 Agreement.

09/01400 - Erection of student accommodation for 123 students organised around 16 communal dining/living spaces in two blocks and associated access, parking and landscaping – REFUSED – APPEAL ALLOWED.

09/01088 - Erection of student accommodation for 132 students organised around 17 communal dining/living spaces in two blocks and associated access, parking and landscaping – WITHDRAWN.

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

Highways Agency

No objections.

Plymouth City Airport

No objections.

Environment Agency

No objections subject to conditions on surface water drainage and contaminated land.

Highway Authority

No objection subject to standard highway conditions.

Public Protection Services

No objection subject to standard environmental conditions.

Representations

None.

Analysis

The main issue with this application is the effect of the changes to the development allowed on appeal earlier this year references, 09/01400, APP/N1160/A/10/2121534.

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, CS01 Development of Sustainable Linked Communities, 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

A similar application for student accommodation for 123 residents was refused permission last year for three reasons relating to harm to visual amenity, an adverse impact on residential amenity and insufficient off-street parking. The applicants appealed and the Inspector allowed the appeal earlier this year. In the period between the refusal and appeal the applicant applied for a smaller scheme for 107 students that was granted permission in March 2010.

The principle of development has been established by the appeal decision which is an important material consideration and the permission for the smaller scheme.

The Appeal decision

The Inspector considered the main issues to be: "whether the proposal would firstly, accord with the Plymouth Core Strategy Area Vision for Derriford in terms of the scale and nature of use; and secondly, provide for sustainable travel means."

He stated that it was in accordance with the Core Strategy and that existing character of Derriford and around the appeal site will have to change over time as it became a new mixed use urban centre. The three houses to the north "will appear increasingly incongruous compared with the emerging scale of development around."

He did not consider the proposed three and four storey main elevations to Plymbridge Lane as excessive in their context and as compared with the later scheme permitted by the Council, reference 09/01888.

He fully accepted the need for and advantages of the provision of managed student accommodation at Derriford to serve the new Dental School. He stated that: "There is no evidence for me to accept the assumption that unruly behaviour in the neighbourhood would be a consequence."

He did not object to the limited on-site parking and observed that the site is well placed to encourage the students to travel by walking, cycling and use of public transport. He agreed with the appellant that the scheme should be a car free development with very few on site spaces. He had no evidence that students would park on surrounding streets to an excessive degree to cause danger or inconvenience. The appellant had submitted a Unilateral Undertaking to establish a car club and other sustainable travel initiatives. This does not vest money with the Council unlike the Obligation with the later permitted scheme. He considered that any deficiency in the Undertaking is outweighed by the significant advantages of the proposal.

He concluded that the development is acceptable and allowed the appeal conditionally.

The main changes to the approved development

Following the appeal decision the applicant appointed new agents who have looked at the scheme afresh. They will now use a timber frame construction that has led to changes to the scheme. The scale, footprint, height, bulk and massing is the same. The number of residents remains at 123 students. There are several detailed changes. The main ones are:

- Blocks A and B are now both the same length and width;
- The internal refuse storage areas are removed and located in an enclosure in the courtyard;
- The courtyard provides four parking spaces and two loading/unloading areas;
- The external cycle storage areas are removed and provided in block A;
- The third floor kitchen/living area is moved to the second floor;
- The curved walls to the kitchen living areas are squared off;
- Removal of small end parapets; and
- Rationalisation of the stair glazing.

These are all of a minor detailed nature and do not fundamentally change the design or appearance of the approved scheme. The one exception is the change to the courtyard caused mainly by the need to have an external bin store because of the change to a timber frame construction method. This involved officers in considerable negotiation to reach a satisfactory compromise.

Following the appeal decision the application the proposal is acceptable and complies with area vision AV9 and policies CS01, CS02, CS28 and CS34.

Transport

The previous approved scheme had a total of 7 off-street parking spaces. This level of car parking has been retained although the 3 'standard' parking spaces associated with the previous scheme have now been provided in the form of loading/unloading areas (which was the primary function of these spaces in any case). These spaces will ensure that there are adequate facilities available for drop-off/collection at the beginning/end of term time.

Suitable signing and lining will be required within the site to highlight the differences between the various car parking spaces (car club and disabled) and loading/unloading areas. A condition is attached relating to the need for a Car Parking Management Strategy for the site.

Following problems with access in respect of the previous scheme, the applicant has now managed to provide all of the cycle parking within the lower ground floor area of Block A. This is a significant improvement upon the previous scheme and will ensure that the cycle parking is both secure and covered. The applicant has also provided details of the rack cycle parking system that will allow a total of 30 cycles. The Highway Authority consider that this number of spaces is more than adequate for the site.

A key aspect with the previous schemes is the need for a car club to mitigate the effect of the limited on site parking. The local planning authority had secured this through a section 106 agreement including a financial contribution for the car club and subsidized bus travel with planning permission 09/01888. At the appeal the applicant offered to provide these measures by a unilateral undertaking without reference to a specific amount. The Planning Inspector accepted that while the Unilateral Undertaking was less strict than the section 106 agreement it was outweighed by the significant advantages of the proposal. The applicant has offered a similar unilateral undertaking with this application and officers accept the approach adopted by the Inspector and the proposal complies with policy CS28.

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

Section 106 Obligations

The applicant has submitted a unilateral undertaking to provide: a travel plan that is regularly reviewed a car club for two vehicles to operate for a minimum of three years and travel passes.

To comply with the Community Infrastructure Levy (CIL) Regulations a section 106 obligation must comply with three tests.

Test One: The obligation is necessary to make the development acceptable in planning terms.

The provision for the car club and travel passes is necessary given the limited on site parking provision to encourage sustainable means of travel and to prevent undue on-street parking in the local area. These are standard planning objectives.

Test Two: The obligation is directly related to the development.

The obligation is directly related to the development because the car club will be based on site for use by the students living in the accommodation. The travel passes will be for these same students.

Test Three: The obligation is fairly and reasonably related in scale and kind to the development.

A subsidised car club of two cars to run for a minimum period of three years that the applicant previously estimated would cost about £52,900 and the provision of travel passes in the region of £4,490 is not excessive and fairly and reasonably relates in scale and kind to the development.

Equalities & 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.

Conclusions

The principle of the use and design and appearance of the development has been set by the recent appeal decision. This application for a number of minor amendments does not fundamentally change the approved scheme and the alterations to the courtyard and parking arrangements are acceptable. For the reasons set out it is recommended that conditional permission is granted subject to the unilateral undertaking.

Recommendation

In respect of the application dated **28/07/2010** and the submitted drawings, **10792.SD01F, 10792.SD02D, 10792.SD03B, 10792.SD04C, 10792.SD05B, 10792.SD06A, 10792.SD07B, design and access statement and draft unilateral undertaking**

Amended Site Address - Site address on previous notification was incorrect , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

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,

archaeological sites and ancient monuments;

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

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

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 2009 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.

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 30 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.

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 residents 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 reuse as a successful growing medium for plants in the interest of amenity 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 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 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.

OBSCURE GLAZING

(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.

PARKING MANAGEMENT STRATEGY

(26) Prior to the occupation of the buildings a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in relation to the control and management of the on-site car parking areas on the site.

Reason:-

To ensure that the use of the limited number of car parking spaces is adequately controlled in order to support the aims and objectives of the Travel Plan in securing modal shift towards the use of sustainable modes of transport and hence reduce the number of single occupancy car journeys being made on the local highway network in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy adopted April 2007.

BREEAM STANDARD

(27) No work shall start on the development hereby permitted until a BREEAM Design Stage Report has been submitted to and approved in writing by the local planning authority demonstrating how the development will achieve the BREEAM Very Good rating. Before either building is occupied a BREEAM

Completion report shall be submitted to and approved in writing by the local planning authority demonstrating that the development has achieved the BREEAM Very Good rating.

Reason:

To ensure that the design of the development includes features that: reduce energy consumption; ensure that water resources are conserved; waste is minimized; and recycling is facilitated to comply with policy CS20 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

USE OF LOADING AREAS

(28)The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- a. damage to amenity; b. prejudice to public safety and convenience, and c. 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.

INFORMATIVE 1: CODE OF PRACTICE

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

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 unilateral undertaking 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 (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

INFORMATIVE 3 - BREEAM STANDARD

The applicant/developer is advised to make best endeavours to achieve the BREEAM Excellent rating.

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
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
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
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
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document