

**ITEM: 6**

**Application Number:** 10/01608/FUL

**Applicant:** University of Plymouth

**Description of Application:** Redevelopment of site by erection of new buildings of 4 to 9 storey in height, containing 517 student bedrooms (configured in 59 flats and 73 studio rooms) with ancillary rooms and facilities, also with commercial uses as ground floor frontages of Armada Way Notte Street (use classes A1,A3,B1 and D1)(Revised scheme from previous submission 10/01163/FUL

**Type of Application:** Full Application

**Site Address:** THE HOE CENTRE, NOTTE STREET PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 20/09/2010

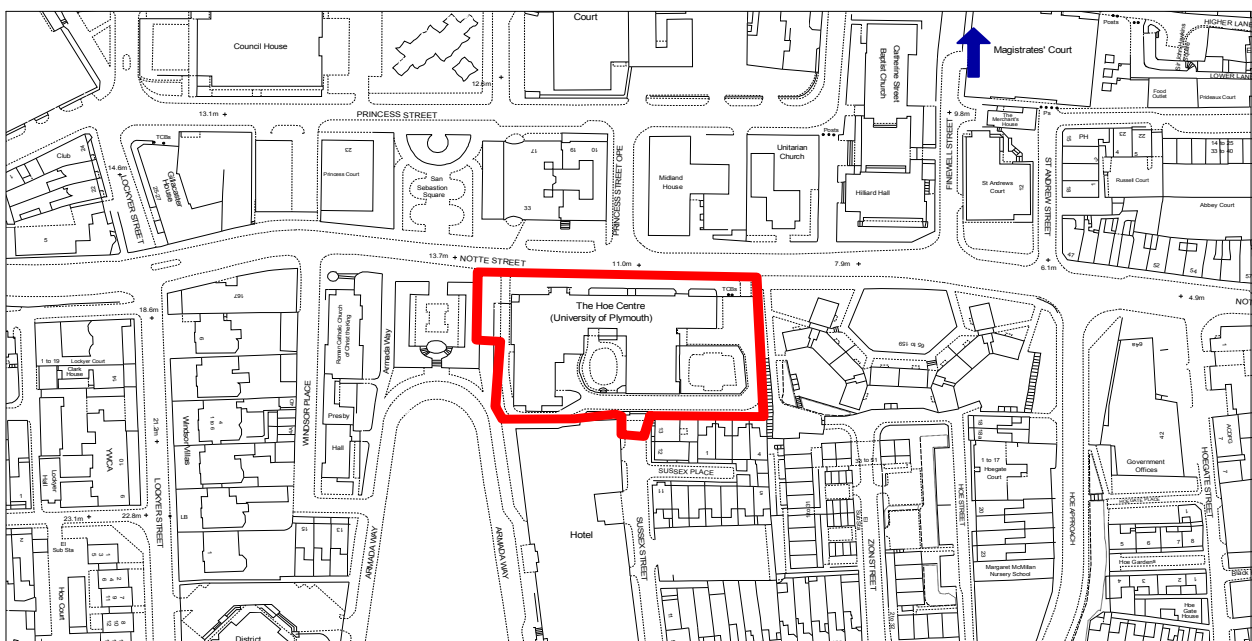
**8/13 Week Date:** 20/12/2010

**Decision Category:** Major Application

**Case Officer :** Mark Evans

**Recommendation:** Grant conditionally subject to S106 Obligation

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## OFFICERS REPORT

### Site Description

The site sits at the junction of Armada Way and Notte Street in the city centre and is currently occupied by the redundant Hoe Centre building, previously the University School of Architecture Centre and halls of residence (Vacated in 2007). The building was originally designed as a NAAFI Building (Navy, Army and Air Forces Institution) following the post war redevelopment of the city following Patrick Abercrombie's Plan for Plymouth.

The site is currently dominated by the existing (partially demolished) Hoe Centre Building and associated car parks, road and hardstanding.

The existing Hoe Centre building, whilst recognised as locally important for its architecture and social heritage value, is not considered to be of significantly high enough quality by English Heritage to warrant being formally listed. This decision was most recently reviewed by English Heritage and upheld in 2010.

The site lies outside the Hoe Conservation Area boundary (The Hoe was designated a Conservation Area in 1977, and following public consultation, the Hoe Conservation Area was expanded and re-designated at the meeting of the City Council Planning Committee on 5 February 2009).

The current landowner has subsequently begun the demolition of the building which does not require the formal planning consent of this Authority, and this is nearing completion.

The boundaries of the site are formed: to the north by Notte Street, to the east by a stone boundary wall with the Notte Street flats, to the south by a stone boundary wall with a row of terraced houses, 1-4 Sussex Place, 13 + 12 Sussex Street, and the Holiday Inn Hotel and to the west by a boundary wall and railings to Armada Way.

The site slopes from the north west corner to the north east corner, approximately 3.5m along Notte Street. The existing site also falls from the south east corner to the north east corner by approximately 2.5m.

The natural land form has been significantly altered and the building sits within a series of level platforms with landscaped terraced areas.

The landscape character of the site is a series of isolated areas of amenity grassland, with some ornamental garden shrub planting.

### Proposal Description

Redevelopment of site by erection of new buildings of 4 to 9 storey in height, containing 517 student bedrooms (configured in 59 flats and 73 studio rooms) with ancillary rooms and facilities, also with active, commercial uses as

ground floor frontages of Armada Way Notte Street (Use Classes A1, A3, B1 and D1). This is a revised scheme from previous submission 10/01163/FUL.

The proposed buildings range in height from 6 stories plus a 1 storey set-back attic on Notte Street, 7 stories plus 1 storey set-back attic on Armada Way with a taller, 9 storey building element at the key corner of Armada Way and Notte Street. Smaller rear wings are constructed to 4, 5 and 6 stories.

Materials proposed include acrylic render to upper stories, a Plymouth limestone base, zinc cladding to the attic storey and part of the building façade and coloured stainless steel cladding (Rimex Colourtex Pearl Green – Satin) to provide an accent material at the key corner of the building at the main public and student entrances and to projecting feature oriel windows. This material has an iridescent quality providing colour changes from a dark blue through blue/green to the more yellow/green of the historic green copper, changing with the levels of light during the day and depending on the orientation of the façade.

The development proposal also re-introduces the street connection Sussex Place to Princess Ope by providing a new fully accessible pedestrian street link through the site, which also provides access/service and loading to vehicles connected to the development.

The building will be expected to be fully accessible in accordance with Part M of the Building Regulations.

### **Relevant Planning History**

10/01163/FUL – Redevelopment of site by erection of new buildings of 5 to 8 storey in height, containing 552 student bedrooms (configured in 63 flats and 83 studio rooms) with ancillary rooms and facilities; also with commercial uses on ground floor frontages of Armada Way and Notte Street (Use classes A1, A3, B1 and D1) - WITHDRAWN

### **Consultation Responses**

Highway Authority

No objections subject to conditions and contribution towards upgrade of pedestrian crossing on Notte Street.

Public Protection

No objections subject to conditions.

### **Representations**

37 letters of objection had been received. (14 based on a standard letter template). Comments can be summarised as:

1. Strong objections to the Hoe Centre being demolished. It is considered that the existing Hoe Centre building is a local landmark and should be retained and preserved - the cost of replacing the Hoe Centre is considered to be far greater than conversion. The environmental impact of redevelopment and retention/extension should be assessed.

It is considered that the Council has failed in its duty by applying appropriate heritage protection to the building via inclusion within a Conservation Area or through a properly implemented local listing policy.

2. Concern about the substandard manner in which the University have handled the demolition works.
3. Proposal comprises overdevelopment of the site. The building is considered to be too high (the site is not in a zone of opportunity for tall buildings) and proposes too great a volume and massing on the site. It is considered that this will result in excessive population density and congestion, noise, nuisance and wider social and health problems.
4. The unimaginative, insensitive design and materials of the proposed building are not considered to be of high enough quality befitting of this prominent and important site, nor is it considered to be locally distinctive or respect its historic context. The development is therefore considered to be contrary to Core Strategy Policy guidance contained in LDF Sustainable Design SPD. The quality of the design is not considered to send a positive message out to future investors or developers.
5. The proposed development will have an adverse impact on the appearance, character and setting of adjoining listed buildings and will have a negative impact on strategic views of the Hoe Conservation Area.
6. The design is considered to be detrimental to the Abercrombie Plan buildings and to the civic character of the Hoe.
7. The submitted drawings are considered to be inadequate and are not considered to give a clear representation of the proposal. They are not considered to accurately represent the relationship of the proposed development to the adjoining or existing buildings.
8. The building is too high and at 9-10 stories is contrary to the guidance given for Notte Street frontage of 5-7 stories, and will overpower the adjoining buildings. The massing consisting of many different heights is considered to have a disjointed appearance.
9. The proposed development will result in an unacceptable loss of privacy, light and views to residents of adjoining properties.
10. A significant loss of sunlight to neighbouring residents of Berkley's Square will result in a significant loss of light, and contrary to the information submitted with the application, the proposed development is not considered to meet the BRE guidelines as the measurements have been taken incorrectly and also do not take account of the proposed tower.
11. Concern that there will be traffic chaos when students are dropped off at start and end of term.
12. Concern about proposed rear pedestrian access from Sussex Place particularly when combined with rear building access points.
13. The new route is considered to be too wide relative to the street it connects.
14. It is suggested that the existing access road should remain and that this be turned into a one way system with unloading and passing bays incorporated.

15. Concern that two mature oak trees will be affected.
16. The proposed student accommodation will result in considerable noise, parking and anti-social behaviour issues in the locality and turn the area into a ghetto. It is considered that sheltered housing or accommodation for local people, a museum, gallery or visitor centre would be a better use for the site.
17. Query whether student use is the best long term use of the site and it is considered that it is important that the building is designed so as to be fully sustainable and adaptable for conversion to other, different uses in the future.
18. Query whether commercial retail units are appropriate or needed in this location. This is considered to exacerbate the excess of empty shops in the City Centre and in the locality. Question what controls are to be placed of the type of retail uses or food outlet.
19. Concern that the development will result in unauthorised “drop- off/ pull-in” use of the private Berkeley Square car park. It is suggested that the university may be prepared to assist existing resident by erecting a car park barrier on the car park in Berkeley Square and other traffic calming measures in Princess Ope and Notte street to ease the situation.
20. It is considered that the development should be more inclusive in the way it engages with the public e.g. through a greater mix of active uses including cultural and community uses particularly at ground floor, and by being less mono-cultural.
21. The comments of the South West Design Review Panel have not been properly addressed by the revised application and are still relevant.
22. It is not clear what sustainability and energy efficiency concepts are proposed and what impact they may have on the design. Taking into account the fact that the applicant is the University, the proposal is not considered to be exemplary in terms of sustainability.
23. The development is considered to raise a number of access issues; a number of improved access opportunities have been missed and the development is not considered to comply with Part M of the Building Regulations.
24. The introduction of a loading bay off Notte Street will have a detrimental impact on the street scene and will substantially reduce the effective width for pedestrian use.
25. Concern that access for deliveries and refuse collections is inadequate.
26. Concern that the amount of proposed car parking is adequate and suggesting that basement car parking should be encouraged.
27. Concern that bicycle racks should not be on the street and create unwarranted street clutter.
28. Concern that there are not enough bike spaces.
29. Objections to any new retail outlets being licensed to sell alcohol or have alcohol consumed on the premises.
30. The suggestion is made that Solar tinted glass should be used for the windows to avoid similar visual scenarios (bottles in windows) to that currently witnessed in Exeter Street.

31. Assurance is sought that a management company will be on site to manage the building and occupant's behaviour and that the management of the building will be robust enough.
32. Concern that the development should not be included in the residents parking permit zone in operation in the locality.

### **Analysis**

The key issues are:

1. The impact of the development on the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development upon the highway network;
4. The impact of the development upon the setting of the adjoining Listed Buildings.

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS06 (City Centre), CS13 (Evening/Night-time Economy Uses); CS18 (Plymouth's Green Space), CS20 (Sustainable Resource Use); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); and CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations).

Consideration should also be given to PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment, PPS6 Planning for Town Centres, PPG13 - Transport, PPG16 - Archaeology, PPS22 - Renewable Energy, PPS23 - Pollution Control, PPG24 - Noise, adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and adopted Planning Obligations Supplementary Planning Document (2010).

The impact of the development on the appearance and character of the area; Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system and Planning Policy Statement 5 (PPS 5) deals with Planning for the Historic Environment. These PPS's replace *Planning Policy Guidance (PPG) Note 1, General Policies and Principles* and *Planning Policy Guidance 15 (PPG)*. PPS1 establishes the Government's firm commitment to creating sustainable communities. It emphasises that good planning is critical to realising this commitment through delivering this objective. Guidance on quality of design is clear: *Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning' (para 33)*

*Good design should contribute positively to making places better for people (para 34)* Thus planning authorities should plan positively to secure high quality and inclusive design for all development, including individual buildings,

public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted: *High quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resources efficiency (for example energy consumption) There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.*

CABE guidance advises that applicants seeking planning permission for tall buildings should ensure that the “*relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, and the effect on the skyline*” are fully addressed. “*Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.*”

In addition, developers are advised to consider the “*contribution made to the permeability of the site and the wider area; opportunities to offer improved linkages on foot, and where appropriate, the opening up, or effective closure, of views to improve the legibility of the city and the wider townscape*”.

Concerns have been raised that the site is not within the “Zone of Opportunity for Tall Buildings” as identified in the adopted Design Supplementary Planning Document (2009). However, the scheme is not considered significantly tall in its context. The building heights proposed are considered an appropriate response to the scale of adjacent streets and spaces. The intensity of development proposed is also considered appropriate given the need to maximise;

- i. the redevelopment of a brownfield City Centre site,
- ii. the vibrancy of a relatively quiet section of the strategic Armada Way route and the wider environment,
- iii. the sustainability of associated active ground floor uses, and
- iv. natural surveillance over adjacent streets and spaces.

The level of active ground floor uses proposed within the scheme is considered appropriate given the site’s position within the City Centre, and should enliven the journey between the City Centre and The Hoe positively.

The site is considered entirely appropriate for student accommodation given its proximity to the University, City Centre, public transport and all amenities. The provision of a significant level of bespoke student accommodation here will help to reduce the pressure on residential areas surrounding the University, including Greenbank and Mutley.

A condition is recommended, which will require the submission of an adequate management regime which will be expected to control general noise levels, car parking pick-up and drop-off, tidiness, social behaviour and maintenance.

The positioning of the scheme does not block strategic views along Armada Way to the Hoe Conservation Area, and does not compromise the 1943 Abercrombie and Watson Beaux-Arts street plan for the City Centre.

The design, scale and massing of the building is considered an appropriate response to the local and wider City Centre context, and the proposed material palette, including Plymouth limestone and render, is considered positive and locally distinctive (more consistent with Plymouth's vernacular than the existing building in fact). The accent material proposed to highlight the building's corner should provide an attractive and memorable feature which references the copper characteristically used as an accent material on key Plymouth buildings.

The drawings are considered to give an accurate representation of the proposed building.

The development therefore accords with adopted policies CS01, CS02, CS03, CS32 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and Government guidance contained in PPS1 and PPS5.

The impact of the development upon neighbouring properties:

It is acknowledged that due to its siting, height and massing, the development will have an impact upon the outlook currently enjoyed by neighbouring and adjoining properties. However, it is considered that the development has been carefully designed so as to minimise this impact. On balance, taking into account the siting and design of the buildings in relationship to the neighbouring properties and city centre location, the impact of the development upon neighbouring residents is considered to be satisfactory and not so significant as to warrant a refusal of the application.

Third party concerns that the development will have an adverse effect on private views and/or property values are not a material planning consideration.

The BRE sunlight assessment is considered to have been correctly used to investigate the impact of overshadowing on adjacent buildings. However, there will inevitably be some overshadowing to adjacent dwellings, but the level of overshadowing which has been shown to be likely is not considered unacceptable given the site's City Centre context, and the need to maximise the redevelopment of this brownfield site to improve the sustainability of the City Centre and help achieve the Vision for Plymouth.

On this basis, the proposed student accommodation is not considered to have a significant adverse impact upon the residential amenity of neighbouring



properties and taking into account the close proximity of the site to the City Centre and University, is considered to be an entirely appropriate use for the development. The development is therefore acceptable and accords with adopted Core Strategy policies CS02 and CS34 and Government guidance contained in PPS1.

#### The impact of the development upon the highway network

The Highway Authority does not object to the proposed development.

Taking into account the close proximity to the city centre and public transport network, the proposed development is in a sustainable location and will provide good connectivity for non-car based travel to and from the site. On this basis, there are no objections to the proposal for a predominantly car free development at the site.

The development will include 5 disabled parking bays and also 4 parking bays for staff. A new lay-by for loading and unloading of deliveries for the retail units on Notte Street will also be provided, and is supported by the Highway Authority.

It is noted that due to level differences it is not possible to create a vehicular access to the site from the rear via Sussex Street, however, the proposed pedestrian route will provide a desire line through the site for future residents and also members of the public. Steps have been proposed and also a ramped access to ensure that this new route is fully accessible. This is considered to be a valuable link and it is recommended should be secured by way of condition.

Due to the sustainable nature of the development a separate Travel Plan is not required per se, however, as the applicant, being the University of Plymouth, already operates a Green Travel Plan, this development will be required to adhere to that Travel Plan. A condition is recommended accordingly.

The site lies within a resident parking permit scheme which is currently over-subscribed. As such the new development will be excluded from obtaining permits or visitor tickets. An informative is recommended accordingly. The proposed secure cycle storage is considered to be sufficient and the ongoing use of this space will be secured by condition.

Although the development will not have a direct impact on the local highway network, in terms of vehicle trips, it is considered that the significant increase in pedestrian movements from the site toward the City Centre, bus services and University of Plymouth will have an impact on the existing pedestrian crossing on Notte Street. This crossing is the nearest crossing facility to the site and is likely to be the main pedestrian desire line. The increase in pedestrian phase calling of the signals is likely to have an impact on the free flow of traffic on Notte Street, which is a relatively busy road. At present the crossing works independently of the other signals on Notte Street. A developer contribution of £10,000 as a negotiated element to the

Development Tariff is sought to enable the crossing to be connected to the urban traffic control system. This will enable the crossing to be coordinated with nearby junctions which will mitigate against the increase in calls. The City Council will carry out the works accordingly.

The proposed access for deliveries and refuse is considered to be acceptable.

On this basis, the development is considered to have an acceptable impact upon the highway network and therefore accords with adopted Core Strategy Policies CS01, CS02, CS28 and CS34, together with Government advice contained in PPS1 and PPG13.

#### The impact of the development upon the setting of the adjoining Listed Buildings

The key Historic Environment issue is the effect that this proposal is likely to have on the setting of three Listed Buildings ('Berkeley Square' and the Unitarian church on Notte Street, and the Roman Catholic church of Christ the King on Armada Way), and on the wider Hoe Conservation Area.

PPS5 (HE10) states that '*local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the (historic) asset*', and the Practice Guide (s.121) indicates that the key issues are '*scale, proportion, height, massing, alignment and use of materials*.'

It is acknowledged that by virtue of the proposed development's scale and massing, the buildings will have a more intrusive 'presence' than the previous Hoe Centre. However, as all the Listed Buildings in question are themselves relatively large buildings, and have the advantage of being set at reasonable distances from the proposed development such that any adverse possible effect will be much reduced, together with the fact that only a small corner of the Conservation Area is close enough to be affected, the development is not considered to be so overbearing that it will have an unacceptable impact on the setting of the three listed buildings or the character of the wider Conservation Area.

The proposed materials are acceptable. The use of Plymouth limestone and render is locally distinctive and the proposed use of a contemporary, coloured, metal cladding system will introduce both a striking new façade treatment as well as making reference to the copper metal spirelets and roofs of adjacent key buildings.

On this basis, the development is considered to have an acceptable impact upon the setting of the adjoining listed buildings and therefore accords with adopted Core Strategy Policies CS01, CS02, CS03 and CS34, together with Government advice contained in PPS1 and PPS5.

## Sustainable Resource Use

Adopted policy CS20 requires that the development incorporates on-site renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016.

In accordance with this, a condition is recommended to ensure that appropriate on-site renewable energy systems are integrated into the development and to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

## Comments on Third Party representations not previously covered within the report

Concerns regarding the potential for the construction phase of the development to cause disruption to existing residential uses are noted. Whilst it is acknowledged that this is a city centre site where a level of disruption can be reasonably expected during redevelopment or construction work occurring on development sites in the locality, it is considered to be appropriate to impose restrictions through planning conditions on the developer's construction practice (Code of Construction), including restricting hours of construction deliveries, construction vehicle routes through the city and requiring appropriate mitigating measures for noise, vibration, dust and smell nuisance. A condition to address this matter is recommended accordingly.

Taking into account the City Centre location, the commercial use of the ground floor is strongly supported in terms of helping to achieve the Vision for Plymouth aspiration for a vibrant active street scene. The possible sale of alcohol within licensed premises is not considered inappropriate as part of this mix of uses.

The proposal for a management condition will help to ensure that any potential unauthorised car parking does not impact on the amenity of the adjacent Berkeley Square development.

## 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 following financial contribution towards strategic infrastructure is required in connection with the development under the parameters of the Plymouth Development Tariff:

1. Financial contribution of £363,227 (Three hundred and sixty three thousand, two hundred and twenty seven pounds) towards the Plymouth Development Tariff payable upon commencement of the development.

This can be broken down as:

### Local Infrastructure

Health: £79,158

Libraries: £39,816

Playing Pitches: £210,484

### Strategic Infrastructure

Transport: £23,769

### Negotiated Element

A £10,000 financial contribution to enable the existing pedestrian crossing that adjoins the site on Notte Street to be connected to the urban traffic control system. This will enable the crossing to be coordinated with nearby junctions which will mitigate against the increase in pedestrian crossing signal "calls" and thus reduce the impact on the free flow of traffic on Notte Street. Contribution to be payable upon commencement of development.

2. A S106 Management fee of £47,532 payable upon signing of the agreement.

The application has been assessed against the Governments Community Infrastructure Levy (CIL) and it is considered that the financial obligation required by the Plymouth Development Tariff of £363,227 meets the 3 CIL tests and that the obligation and Management Fee is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

The above obligation has been agreed with the applicant.

## **Equalities & Diversities issues**

The redevelopment of this prominent site which will further contribute to the regeneration of the area will provide much needed student accommodation close to the University.

The key equality groups particularly benefiting from the development are younger people and those with disabilities as a percentage of the units will be built so as to be fully accessible to disabled persons.

The benefits to all groups will be positive as it will provide accessible student accommodation close to the city centre.

No negative impact on any of the equality groups is anticipated.

### **Conclusions**

The siting, design, materials and finish of the development are considered to be acceptable and would preserve and enhance the appearance and character of the site and wider area. The redevelopment of this prominent site would not have a significant adverse impact upon neighbouring properties and will contribute to the regeneration of the area as a whole. It is therefore recommended that the development be conditionally approved subject to the satisfactory completion of the above S106 Obligation by the 14<sup>th</sup> December 2010, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by this date.

### **Recommendation**

In respect of the application dated **20/09/2010** and the submitted drawings, it is recommended to: **Grant conditionally subject to S106 Obligation**

### **Conditions**

() In the event that any or all of the commercial units be used for A3 use class purposes, additional toilet and hand washing facilities must be provided for use by customers as well as staff in each of those units prior to A3 use of the unit commencing, in order to meet the provisions laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the numbers of facilities required in each unit based on the number of covers and staff at work. The facilities must be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

### **Reason**

To ensure adequate toilet and hand washing facilities are provided in accordance with adopted Core Strategy Policy CS02 and CS34.

### **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.

### **CODE OF PRACTICE DURING CONSTRUCTION**

(2)Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## LAND QUALITY

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

### 1. Site Characterisation

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

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:  
human health,  
property (existing or proposed) including buildings, crops, livestock, pets,  
woodland and service lines and pipes,  
adjoining land,  
groundwaters and surface waters,  
ecological systems,  
archeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

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

### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

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

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

### 4. Reporting of Unexpected Contamination

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

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

#### Reason:

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

#### ARCHAEOLOGICAL INVESTIGATION

(4) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The

development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority.

Reason:

In accordance with Core Strategy Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DESIGN DETAILS

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

- (i) Details of the design, method of construction and finish of the glazing system/curtain walling system and spandrel panel to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed balconies including all balustrades;
- (iv) Details of the design of any external building lighting proposed;
- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between the zinc cladding and render cladding, together with details of the design of the junctions between the render cladding and oriel window cladding.

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

Reason:

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

#### EXTERNAL MATERIALS

(6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

#### SURFACING MATERIALS

(7) No development shall take place until details/samples of all surfacing materials to be used have been submitted to and approved in writing by the



Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

#### ROOF DESIGN

(8) Unless otherwise agreed previously in writing with the Local Planning Authority, the roofs of the buildings shall be constructed to incorporate a green roof (sedum or equivalent) in accordance with details to be submitted and agreed in writing with the Local Planning Authority and these works shall be carried out as approved. These details 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 and a landscape management plan, including a schedule of maintenance for a minimum period of 5 years, long term objectives, management responsibilities and maintenance schedules.

Reason:

To ensure that a satisfactory green roof treatment is carried out in the interests of the appearance and character of the building in accordance with Policies CS01, CS02, CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STREET DETAILS

(9) 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. The development shall not 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.

#### 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.

#### GRAMPIAN

(11) The uses hereby permitted shall not commence until the proposed access, roads, footways and improvements to the existing highway have been completed in accordance with the approved plans .

#### Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LOADING AND UNLOADING PROVISION - NOTTE STREET

(12) Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded on Notte Street in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

#### Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### PROVISION OF PARKING AREA

(13) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

#### Reason:

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

#### LANDSCAPE DESIGN PROPOSALS

(14) 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.); retained historic landscape features and proposals for restoration, where relevant].

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

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

Reason:

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

#### LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

#### DETAILS OF TREE PLANTING

(16) The plans and particulars of the landscaping works submitted in accordance with condition 14 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

#### TREE REPLACEMENT

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

Reason:

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

#### OPENING HOURS

(18) Unless otherwise agreed previously in writing with the Local Planning Authority, the ground floor commercial uses hereby permitted shall not be open to customers outside the following times: 0700-2300 hours Mondays to Saturdays inclusive and 1000-2200 hours on Sundays and Bank or Public Holidays.

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

#### SUSTAINABILITY

(19) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period up to 2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### NOISE

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

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

Reason:

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

#### STUDENT USE RESTRICTION

(21) The units of residential accommodation within the buildings 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 lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### MANAGEMENT ARRANGEMENTS

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

Reason:

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

#### GREEN TRAVEL PLAN

(23) Unless otherwise agreed previously in writing with the Local Planning Authority, use of the building shall not commence until the applicant has entered into a Green Travel Plan, the details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter conform to the measures detailed in the plan.

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 adopted Core Strategy Policy CS01, CS28 and relevant Central Government advice.

#### NEW STREET ROUTE

(24) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to occupation of the development, the proposed new street between Sussex Place and Notte Street/Princess Ope shall be constructed in accordance with the approved plans and opened to the public. The new route shall thereafter be kept permanently available as a public pedestrian access route unless otherwise previously agreed in writing with the Local Planning Authority.

#### Reason

To ensure the new pedestrian route is delivered in accordance with the approved plans and Core Strategy policies CS01, CS02, CS28, CS34 and Government advice contained in PPS1 and PPG13.

#### INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- e. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

#### INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

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

#### INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3) The applicant is hereby advised that the management details to be

submitted and agreed under the above condition should comprise the following elements:-

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

#### INFORMATIVE - SECTION 278 HIGHWAY AGREEMENT

(4) Highway Act 1980 -Section 278 - The applicant is advised to contact the City Council transport department in order to agree the extent and detail of works within the highway and to enter into a Section 278 agreement prior to works taking place.

#### INFORMATIVE - GREEN TRAVEL PLAN

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

#### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: The impact of the development on the appearance and character of the locality and the impact of the development upon the setting of the adjoining Listed Buildings. - The proposed siting, scale and design is considered to be in keeping with the appearance and character of the area and is considered to be acceptable. The proposed development is considered to preserve the setting of the adjoining listed buildings and therefore accords with Core Strategy Policies CS01, CS02, CS03 and CS34 together with Government advice contained in PPS1 and PPS5; The impact of the development on neighbouring properties - The siting and design of the development is not considered to have a significant adverse impact upon

neighbouring properties. On this basis the application is acceptable and accords with Core Strategy Policy CS02 and CS34 together with Government advice contained in PPS1 and PPG24; The impact of the development upon the highway network - The proposed design, new street and highway infrastructure will enable the impact of the development on the highway network to be accommodated and provide a well balanced solution for all modes of travel. On this basis the development is considered to have an acceptable impact on the highway network and therefore complies with Core Strategy Policies CS01, CS28 and CS34 together with Government advice contained in PPS4 and PPG13. On the basis of the above, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPG24 - Planning and Noise
- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS06 - City Centre
- CS13 - Evening/Night-time Economy Uses
- CS18 - Plymouth's Green Space
- CS20 - Resource Use
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- PPS25 - Development and Flood Risk
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- DSPD - Design Supplementary Planning Document
- SPD3 - Design Supplementary Planning Document
- PPS5 - Planning for the Historic Environment