

PLANNING APPLICATION REPORT



ITEM: 06

Application Number: 11/00577/FUL

Applicant: Mr M Soper

Description of Application: Re-develop site by erection of two 3/4 storey blocks containing 45 units of student accommodation with associated car parking, cycle storage, refuse storage and amenity space

Type of Application: Full Application

Site Address: LAND OFF BEAUMONT ROAD PLYMOUTH

Ward: Sutton & Mount Gould

Valid Date of Application: 11/04/2011

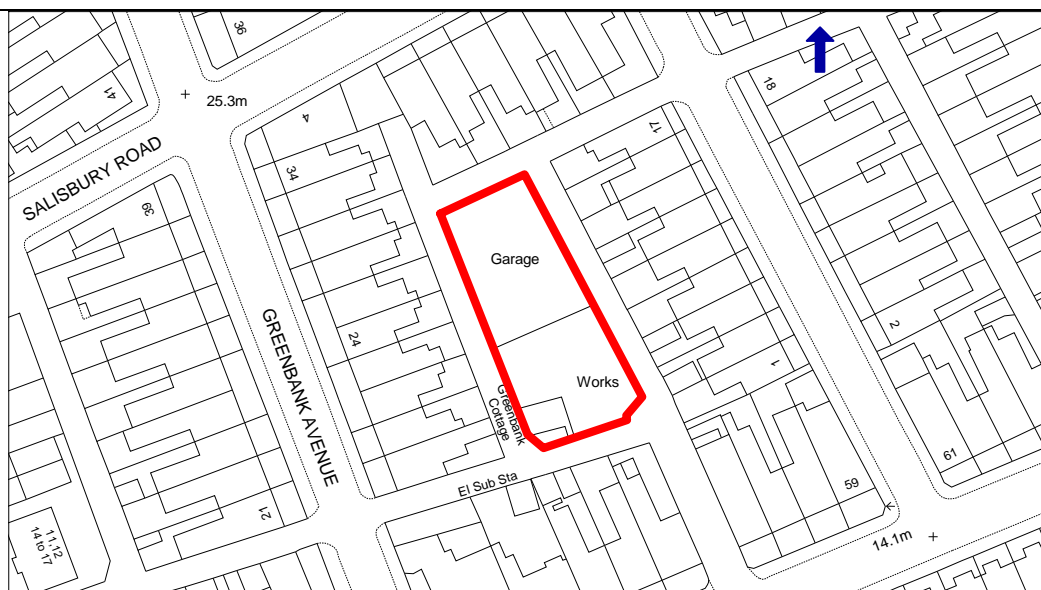
8/13 Week Date: 11/07/2011

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 07 July 2011

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Site Description

This is a small (approx. 795 square metres), rectangular shaped site, located in the centre of the residential area of St Judes, an older, mainly Victorian in character, residential area close to the City Centre. It is a backland site that is bounded by dwellings that front onto the four surrounding roads being Beaumont Road, Greenbank Avenue, Beatrice Avenue and Salisbury Road. It tapers slightly from north to south narrowing in width from south to north and follows the topography of the surrounding land in falling approx. 4m from north to south.

The site is now vacant but up until recently was almost completely occupied by buildings: a garage workshop, small cottage in south west corner and a number of small business properties, built in a variety of different materials, stone, brick, wood and corrugated iron. These varied in height, age and quality; but predominantly originated from the nineteenth century. The buildings previously on the site were in Industrial use, predominantly within the B2 (General Industrial) Use Class.

Narrow, cobbled, back lanes, provide the rear access to the terraces of Victorian housing that surround the whole site and also provide some separation from the rear yards and gardens of these properties. Many of these properties have been subdivided and converted into flats.

In terms of its broader location, the site is approximately 0.75 miles east of the city centre and is thus in close proximity to a wide range of services. It is within walking distance of the University and benefits from good access to public transport.

Proposal Description

It is proposed to redevelop the site by constructing two residential blocks, containing a total of 45 student bedrooms, with associated car parking, cycle storage, refuse storage and amenity space.

The two blocks have a north/south axis and are a mix of 3 and 4 storeys in height. There is an enclosed amenity space provided between the two blocks and car parking at the southern end of the site. Refuse storage is also proposed at the southern end of the site, in a separate building.

Internally, the south block contains 3 studio flats, 2 seven bed cluster flats, a 5 bed cluster flat and a 3 bed cluster flat arranged over 4 floors. The north block contains 5 studio flats, and 3 five bed cluster flats, also arranged over 4 floors. Between them the two blocks also contain a reception lobby, secure manager's office, laundry area, cleaners store and plant room.

Relevant Planning History

07/01352/OUT - Redevelopment comprising of 10 dwellings (7 x 2 bed houses & 3 x 1 bed flats) and associated parking & amenity space. PERMITTED

06/01982/FUL - Application for 14 flats (6x1 bed, 6x2 bed and 2x2 bed live /work units) and associated parking and amenity space. WITHDRAWN

Consultation Responses

Public Protection Service – No objection subject to conditions

Transport Officer – recommends refusal

Summary of comments (Highways officer's conclusion) and reasons for refusal:

Conclusion

As proposals for student accommodation spread ever further out from the City Centre and the university and encroach further into the residential areas, the reasonable expectation must be that development seek to make an appropriate contribution to off-street car parking associated with the necessary use of a car. Proposals should at very least seek to maintain the equilibrium in the at times congested and heavily parked local streets so as not to further inconvenience local residents, support the amenity of the street and highway safety. The most recent national guidance acknowledges the need for a reasonable level of car parking contribution associated with the necessary use of a car to serve dwellings, in accordance with local parking standards, although a car might not be used for every journey.

Some car parking already occurs within the rear service lanes that abounding the application site some of which would be liable to be displaced by the implementation of further necessary parking restrictions should the development be realized. It is considered that the proposal fails to sufficiently consider and mitigate against likely car parking demand generated by the proposed development, to the detriment of the public realm, the amenity of the street, and local residents. Any development would automatically be excluded from eligibility for parking permits in any on-street parking scheme that might be in operation within the local area.

The service lanes provide poor connections between the back-land site and the wider streets and network and are considered unsuitable to conveniently and safely support the significant increase in both pedestrian and vehicle movements that would arise from a development of 45 student bedrooms. It is considered that the proposal fails to sufficiently consider the impact of the proposal on others, in particular nearby occupiers but also visitors to the local area. Should planning permission be granted Transport would advise that appropriate planning conditions should be included, as per the previous permission. However Transport recommends that planning permission is refused for the following reasons:

I. The development hereby proposed is likely to result in an increase in the number of pedestrian and vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:-

- (a) Prejudice to public safety and convenience;
- (b) Interference with the free flow of traffic on the highway;
- (c) Unwarranted hazard to vehicular traffic;
- (d) Conflict between pedestrians and vehicles;

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007

2. No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

(a) Damage to amenity;

(b) Prejudice to public safety and convenience;

(c) Interference with the free flow of traffic on the highway;

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007

Representations

35 letters of representation received, in objection to the application. The main grounds of objection listed are as follows:

- Increase in traffic movements in the area, both vehicular and pedestrian
- There is a lack of parking at the site and in the surrounding areas
- Detrimental impact upon local residents with regards to parking – the demand for parking in the surrounding areas will be significant and detrimental to those living in the area
- The development could result in an increase in anti social behaviour in the area and thus criminal activity
- The development proposed is over development
- The PPZ in operation in the surrounding areas would not prevent occupiers of the proposed development parking in the surrounding streets for most of the time
- A 4 storey block would cause over looking to and block light from the surrounding properties
- The proposed development is out of character with the existing development in the area with regards to density and design and appearance

The grounds listed above will be considered below in the analysis section of this report.

Analysis

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.

It is considered that the main issues in the determination of this application are the loss of employment land and principle of residential development, the impact that it will have on the character and appearance of the area and visual amenity, impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

Loss of existing employment space/principle of residential redevelopment

The site has previously contained employment uses and, in the first instance, needs to be considered against the requirements of policy CS05 (Development of Existing Sites) in relation to the loss of employment land, as the sites recognised established use falls within the B2 (General Industrial) Use Class. Whilst this issue is not specifically addressed within the application, it is accepted that the site is unsuitable for employment uses due to its close proximity to residential development. The employment use at the site is historic and is now considered inappropriate, particularly given the number of established industrial estates in the city where general industrial uses would be more suitable. It is also recognised in the Core Strategy that there is an adequate supply of employment land in the city.

Due to the restrictions of the site (no street frontage, tight access, close proximity to residential development) realistically the most appropriate use would be residential, and it can be argued that a development of 45 student bedrooms would represent a high density development which makes efficient use of this 'brown field' site. It should also be noted that an application for 10 residential units at the site was approved by committee in 2007, establishing the principle of a residential based redevelopment at the site.

Layout, Design, Orientation and Appearance

Policy CS43 of the adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development, in the form of period terraces of traditional Victorian style development, being in the main 2 storey with pitched roofs. The topography at the site and immediate surrounding areas is steeply sloping, falling significantly from north to south. There is approximately a 4 metre drop across the site. Density levels in the area are quite high due to the presence of terraced houses, many of which have been sub divided into smaller units.

The site is completely hidden from all of the nearby areas by the existing development that surrounds it and therefore occupies a location that is not prominent. The proposed development is arranged in the form of two blocks, separated by an enclosed amenity area. The accommodation is arranged on a north to south axis, the upper block at the northern end of the site faces north and the proposed block at the south (lower) end of the site faces south. Both back onto the enclosed external courtyard. Vehicular access to the site is either from Beatrice Avenue or Beaumont Road and 5 car parking spaces are provided at the southern end of the site.

The orientation and scale of the two proposed buildings has been arranged on the site in order to minimise impact upon the amenities of the surrounding properties. Taking the block at the northern (upper) end of the site first, this has been positioned on the site in order to respect the existing building line set by no. 17 Beatrice Avenue, so that when you enter the site from the entrance at Beatrice Avenue the proposed building does not project forward from the existing building line or interrupt the access lane that provides a ring road around the development. With regards to scale, the 'northern' block is a direct response to the topography at

the site and the accommodation within it has been split into 2 (a row of north facing rooms and a row of south facing rooms divided by a communal hall) in order to respond to the topography at the site. The 2 parts are separated by a glazed link, and the building is therefore 3 storeys at its front (northern end and highest part of the site), with its rear being 4 storey due to the land falling to the south (rear). The overall scale of the development is kept to a minimum by use of mono pitch roofs and minimal floor to ceiling heights.

The scale and orientation of the southern block is also a direct response to the steeply sloping topography at the site. As with the northern block, its elevation that is 'outward' facing and looking onto the rear of the surrounding development is 3 storeys, with its rear part that faces the enclosed courtyard being 4 storeys. Concerning layout, as with the northern block it has been split into 2 with a row of north facing rooms and a row of south facing rooms divided by a communal hall, viewed externally as a small glazed link.

The design and external appearance of the 2 blocks is very similar and this ensures that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The architects have chosen a very contemporary, modern approach to the design and external appearance of the building and this is possible due to the site occupying a hidden location and the fact that the buildings will not be visible from outside of the site, making the surrounding context of late Victorian terracing less relevant when considering a specific methodology to building design. This approach is welcomed and it is positive that a simple, mimicking, pastiche of the late ninetieth century terraced houses that surround the site has been avoided and that some imagination has gone into finding a solution to providing a development of contemporary residential buildings that fit onto this tight urban site.

Specifically, the external appearance of the buildings utilise projecting 'box' style bay windows at first and second floor level on the outward facing elevations (the south elevation of the lower building and north elevation of the upper building). This helps to give the 'front' elevations of both buildings some variation in depth and adds visual interest and repetition of its main features, in order to give the design balance and symmetry. In terms of materials, the ground 'plinth' level is proposed to be clad in a robust natural stone with a mix of render and timber cladding on all side elevations. The roof is proposed to be metal cladding with some metal cladding also proposed to be used below the windows on the bays.

Overall, it is considered that the proposed development provides a high quality contemporary residential development that due to its hidden location has enabled the architects to design a unique modern building that sits comfortably on the site and within its context. The layout and orientation of the proposed development is a direct response to the topography and constraints of the site and the development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) and CS34 (Planning Application Consideration) of the City of Plymouth Local Development Framework Core Strategy (2007).

Residential amenity and standard of proposed accommodation

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new developments proposed is acceptable and that each unit has an adequate level of privacy and natural light.

The layout of the site and orientation of the buildings has been arranged in order to minimise impact on the surrounding properties. The majority of the dwellings closest to the site are located on Beatrice Avenue and Greenbank Avenue, to the east and west of the site. These properties are traditional 2 storey period residences with rear tenements. Many of them have been sub divided into smaller, 'flatted' units. Impact upon these properties, particularly with regards to overlooking, has been kept to a minimum due to the fact the proposed buildings (both 'upper' and 'lower' blocks) are oriented to face north and south, and do not have main habitable windows facing east and west. The only windows in the side (east and west) elevations of the proposed buildings are high level windows that provide light to the proposed development, therefore no overlooking will be caused to the rear elevations or garden spaces of the properties on Beatrice Avenue and Greenbank Avenue.

Issues of dominance and loss of light are also relevant. In order to minimise impact with regards to these issues, care has been taken to minimise the height of the buildings by reducing floor to ceiling heights, sinking the buildings into the ground and by reducing the pitch of the roofs. This has resulted in the scheme being lower in height than the surrounding houses and reduces its impact upon the surrounding development.

The rear tenements of the houses on Beatrice Avenue are a minimum of 12 metres from the proposed development and this distance ensures that impact upon these dwellings with regards to loss of sunlight will not be significant. The rear of the properties on Greenbank Avenue are however closer to the proposed development, the minimum distance between the closest 2 storey tenement and the proposed development being 8 metres. As stated, relationships are closer here than on any other part of the site, and although the proposed development has been oriented in such a way that direct conflict has been avoided, some impact due to the closeness of the proposal to the rear yards of the properties on Greenbank Avenue is unavoidable. However, whilst there remains some residual concern about the separation distance between the proposed development and rear yards of properties on Greenbank Avenue, the relationships created are considered to be satisfactory and any shadowing would, on balance, be marginally acceptable.

Impact upon the residential amenity of the properties to the north (Salisbury Road) and south (Beaumont Road) of the site also needs consideration. Taking the properties on Beaumont Road, to the south of the site first, the separation distance between the nearest 2 storey rear tenement and the proposed development (lower block) is 17.8 metres at the closest point. Despite the proposed development being oriented to face south and therefore towards the rear elevations of the properties on Beaumont Road, the distance alone ensures that there will be no significant

impact upon the residential amenities of property occupiers on Beaumont Road, with regards to over looking and over shadowing.

The properties on Salisbury Road, to the north of the site, are closer, the minimum separation distance between the closest rear tenement and the proposed development (upper block) being 10.5 metres. However, as previously stated, the site is steeply sloping and is higher at the north end, rising fairly steeply from the centre of the site towards Salisbury Road. Due to land levels at the site, the north facing elevation of the upper block that faces the rear of the properties on Salisbury Road is 3 storeys. In terms of scale, this is lower than the rear tenements of the existing properties on Salisbury Road, and it is considered that in terms of loss of light, over shadowing and dominance, there will not be significant harm created by the proposed development to the amenities of the existing properties on Salisbury Road.

Concerning loss of privacy and overlooking at this end of the site, it is not possible to avoid some overlooking, at a reasonable distance, from the proposed development (upper block) into the rear of properties on Salisbury Road. The 10.5 metre gap between the proposed development and the existing helps to minimise the impact, but this cannot fully be mitigated. However, the relationships created are typical of developments in urban areas and on tightly constrained sites, where buildings tend to have more intimate relationships than outer lying, suburban locations. It is generally accepted that at sites close to town centres where density levels are generally quite high, levels of privacy are reduced due to the close proximity of surrounding development. Considering this, the reduced scale of the proposed development at this end of the site (being 3 storey with mono pitch roof) and the separation distance being over 10 metres, the impact upon the amenities of the properties on Salisbury Road with regards to over looking and lack of privacy would not be to a significantly detrimental level to warrant refusing the application.

With regards to the standard of accommodation proposed and relationships created within the site, in terms of internal space levels, amenity and light, the application is considered acceptable. External amenity space is located in an enclosed area between the upper and lower blocks and will provide an external private courtyard area for residents use. Refuse storage is provided at the south end of the site in a detached and enclosed dedicated refuse store and cycle storage is proposed within the external amenity area. A laundry area and cleaners store is provided on site within the basement area of the upper block and a manager's office is proposed within the lower block in order to ensure that the residents are supervised, to control anti social behaviour and ensure that occupiers of the proposed development adhere to the conditions of their tenancy.

In conclusion, the layout of the site has been arranged in order to minimise the impact from the proposed development on the residential amenities of the occupiers of existing surrounding properties. The relationship between the 2 proposed 'blocks' within the site is not unacceptable and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

The site can be accessed by 3 rear service lanes from Beaumont Road, Greenbank Avenue and Beatrice Avenue. However, as Beaumont Road is the main route through the area it is anticipated that the majority of both pedestrian and vehicular trips to and from the site will use this access and therefore the main entrance into the building has been positioned within the 'lower' southern block near to this road. The 5 parking spaces (which include one disabled bay) are also located at the southern end of the site, directly adjacent to the southern elevation of the lower block.

The Council's Highways Officer has raised numerous concerns about the application and has recommended refusal of the application, due to additional traffic movements giving rise to highway safety concerns and inadequate provision for the parking of cars of persons residing at or visiting the development.

With regards to the above, the Highways Officer states in his consultation response that *'Transport takes the view that this back-land application site is unsuitable for such an intense residential use, which would lead to a significant increase in comings and goings in both vehicle and pedestrian movements. Transport would suggest a cautious approach where proposed residential developments are reliant solely on sub-standard rear service lanes as a primary means of access, which is generally likely to be considered undesirable and provides a poor environment for pedestrians.'* However, a precedent has already been set for the increased use of the rear access lanes by the granting of 10 dwellings at the site (application 07/01352). It is likely that if implemented, this application would incur more vehicular trips to and from the site than a development that only has 5 available car parking spaces, to be used for dropping off and short stays. It is also relevant that the site has established use for General Industrial (B2) purposes and if implemented a use within this use class could incur increased trips from much larger vehicles. Whilst it is recognized that the 'backland' location of the site, and the fact that it is accessed by rear service lanes makes it generally unsuitable for any use that incurs additional trips to the site (either vehicular or pedestrian), the consented scheme for 10 dwellings and established use of the site are material considerations in the evaluation of this proposal. It is the case officer's opinion that both the established use and the consented scheme would have a greater impact upon vehicular use of the surrounding rear service lanes than the proposed development.

The Highways Officer also states that the level of parking proposed is inadequate to serve the development and that *'The surrounding streets are subject of a Permit Parking Scheme that is currently already oversubscribed, which indicates that demand for car parking is greater than the number of available car parking spaces within the local streets. Although the application property would be excluded from the issue of parking permits, the permit parking scheme is part time and parking restrictions only apply for one hour a day between 10:00 & 11:00 hrs Monday to Friday. The part time Permit Parking Scheme was only intended to control commuter parking and is unsuitable to effectively control residential car parking where cars in daily use. (Incidentally, it is for this reason and the associated difficulties and increasing parking demand that parking restrictions across the city are currently under review).'* Whilst the pressure on kerbside parking in the surrounding streets will to some extent be increased if this application is permitted, it is considered that through careful management of the proposed development (via

planning conditions) the impact of the new development on the surrounding area, with regards to increasing on street parking, can be mitigated. Similar proposals for student developments in the city have sought to control the increase in demand for kerbside parking in the surrounding streets incurred by new developments by attaching a Travel Plan condition that requires the submission of a residential travel plan which seeks to encourage residents to use modes of transport other than the private car to get to and from the premises. It also includes measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the RTP; details of 'no car agreements' (if considered necessary) for the site and the name, position and contact telephone number of the person responsible for its implementation.

Whilst impact upon kerbside parking in the area can be controlled via strictly worded planning conditions as explained above, it is also relevant that the Permit Parking Zone is currently under review with a view to imposing further restrictions to limit on street parking to permit holders only for most of the day. If implemented, this would prevent non permit holders parking in the surrounding areas and in theory would alleviate demand for on street parking as only permit holders would be able to park on street. Members should also be aware that the control and operation of a PPZ is something that is outside of planning control and that a PPZ can be changed without the requirement to consult planning. Whilst the Highways Officer has paid due regard to the operation of the local PPZ in operation in the area within his consultation response (and he is right to do so as it is a relevant transport issue), it should only be given very limited weight in the evaluation of this planning application as it is not a material planning consideration.

In conclusion, despite the Highway Officer's concerns, it is considered that the application would not have a significantly detrimental impact upon highway safety or local parking provision. The site is situated in a sustainable location, it is within walking distance of the city centre, university and has many local amenities nearby. It is also close to central bus services and has good access to public transport. Cycle storage is proposed to be provided at the site and for these reasons it would not be essential for future occupiers to own vehicles. It is all possible, by the use of tightly worded planning conditions, to control residents' car ownership, which would minimise the impact upon on street parking in the area and help to reduce vehicular trips to and from the site. Upgrading of the access roads surrounding the site can also be achieved via planning condition and would mitigate Highways Officer's concerns regarding the access roads being hazardous for pedestrians.

Sustainable Resource Use and Biodiversity

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

The application includes an energy compliance report for the development. In order to meet the requirements of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roof. With regards to visual impact, the panels will be almost flush with the roofline and will not be visible from the street.

Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic is considered appropriate for the building with regards to visual impact and the energy savings that this technology will produce complies with the requirements of Policy CS20.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. Currently, the site is totally hard surfaced and has no biodiversity value, so biodiversity enhancement at the site is relatively easy to achieve. In this case, the provision of planting with the external amenity area and swift boxes throughout the development is proposed and this would provide a net biodiversity gain at the site, in accordance with the requirements of policy CS19. The Councils Ecologist is supportive of the application subject to the attachment of a condition to secure the proposals set out within the applicant's ecology report (which proposes planting and bird boxes).

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the proposal. As this application is for student development, the identified impacts it will have that require mitigation are limited to local infrastructure, in particular libraries, playing pitches, green space and health.

Local Infrastructure

Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £1,890.

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £9,991.

Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £5,508.

Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the south east locality is substantially deficient for meet the needs of the project population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £3,757.

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

b. Libraries tariff. £1,890 to be allocated to the provision of improved library facilities in the area (central).

c. Playing pitches tariff. £9,991, to be allocated to the provision of improved playing pitch facilities in the Drake sub-area, as identified in the Playing Pitch Strategy.

d. Local green space tariff. £5,508, to be allocated to the improvement of local green space.

e. Local health infrastructure tariff. £3,757, to be allocated to the provision of additional capacity in local health care facilities within the south east locality.

The applicants have asked for the development to be considered under Market Recovery and thus agree to the restrictions regarding making a substantial start on the development within 2 years of the date of any planning permission granted. Appropriate clauses securing the substantial start and reflecting the market recovery conditions will be reflected in the Section 106 Agreement being prepared. The applicants will thus benefit from a 50% reduction due to the site being brownfield land and the figures quoted above are reflective of this and are the discounted totals.

In conclusion, to mitigate the impacts of the proposal, a total tariff contribution of £21,146 is required.

Equalities & Diversities issues

There are no new issues to be considered here, no negative impact is perceived to any equality group.

Conclusions

The case for retaining the employment use at the site is quite weak given that it is accepted that the city already has an adequate supply of employment land and that general industrial use in this area is not compatible with the dominant surrounding use which is residential.

Whilst there remain some concerns about the proposal - particularly around: the amount of parking proposed, impact upon local on street parking and nearby property occupiers' residential amenities, it is considered that these are outweighed by the strengths of the proposal. Students, typically, have lower levels of car ownership than the wider population and specialist student developments therefore have less of an impact upon the surrounding highway network. Furthermore, it is possible to control car ownership levels at the site via planning condition. Whilst the scale and massing of the proposed buildings is at the upper limits of what might be acceptable on a tight urban site, the layout and orientation of the proposal helps to mitigate impact upon nearby properties residential amenities to an acceptable degree.

It is considered that the proposal would provide a high quality contemporary student housing scheme with a design solution that is modern and innovative. The standard of accommodation proposed is acceptable and the site is within easy walking distance of the University / Art College, public transport and city centre facilities. The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a Section 106 legal Agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by 7 July 2011.

Recommendation

In respect of the application dated **11/04/2011** and the submitted drawings 703/300/P, 703/304/P, 703/301/P, 703/302/P, 703/305/P, 703/303/P and accompanying Design and Access Statement, Energy Statement and Biodiversity Enhancement Strategy, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by [insert full date]**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 703/300/P, 703/304/P, 703/301/P, 703/302/P, 703/305/P, 703/303/P.

Reason:

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

SERVICE ROADS

(3) No dwelling shall be occupied until the service lanes that provide access to the development have been up-graded including: implementing a shared surface provision; re-laying irregular area of existing granite sett lanes; upgrading the provision of street lighting in accordance with current standards; implementing car parking restrictions in the lanes; all in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that an appropriate and safe access is provided in accordance Policy CS28 and CS43 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(4) 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 policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF DRAINAGE WORKS

(5) Development shall not begin until details of drainage works and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

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

SITE CHARACTERISATION

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

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

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

Reason:

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

SUBMISSION OF REMEDIATION SCHEME

(8) 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.

Reason:

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

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(9) 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.

Reason:

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

REPORTING OF UNEXPECTED CONTAMINATION

(10) 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 condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 condition 9.

Reason:

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

BIODIVERSITY

(11) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Biodiversity Enhancement Strategy dated March 2011 for the site. For the avoidance of doubt, the swift boxes shall be incorporated into the built form and not be surface mounted.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

EXTERNAL MATERIALS

(12) 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.

CODE OF PRACTICE FOR CONSTRUCTION

(13) 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.

CYCLE PROVISION

(14) The development shall not be occupied until space has been laid out within the site in accordance with the approved plan for 18 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

(15) 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.

RESIDENTIAL TRAVEL PLAN

(16) The development hereby permitted shall not be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP 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 RTP; details of a 'no car agreement' for the site 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 RTP.

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.

SUSTAINABLE RESOURCE USE

(17) 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 a minimum of 15% of the carbon emissions for which the development is responsible will be 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.

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 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

INFORMATIVE: EXCLUSION FROM PPZ

(1) The applicant should be made aware that the development lies within a resident permit parking scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and visitor tickets for use within the area.

INFORMATIVE: CODE OF PRACTICE

(2) The management plan required by condition 13 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. 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; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact upon residential amenity, visual amenity, highway and public safety and amenity, contamination aspects, sustainable resource use and biodiversity, and mitigation of impacts, 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:

- PPS9 - Biodiversity and geological conservation
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS19 - Wildlife
- CS20 - Resource Use
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision