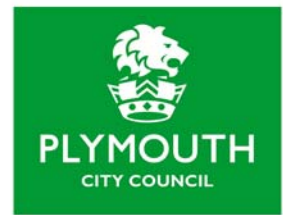


PLANNING APPLICATION REPORT



ITEM: 06

Application Number: I1/01047/FUL

Applicant: Colourcolt Student Living Ltd

Description of Application: Erection of 7 storey building containing 193 student bedrooms within 36 cluster flats and 2 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings)

Type of Application: Full Application

Site Address: HAMPTON COTTAGES, REGENT STREET PLYMOUTH

Ward: Drake

Valid Date of Application: 18/07/2011

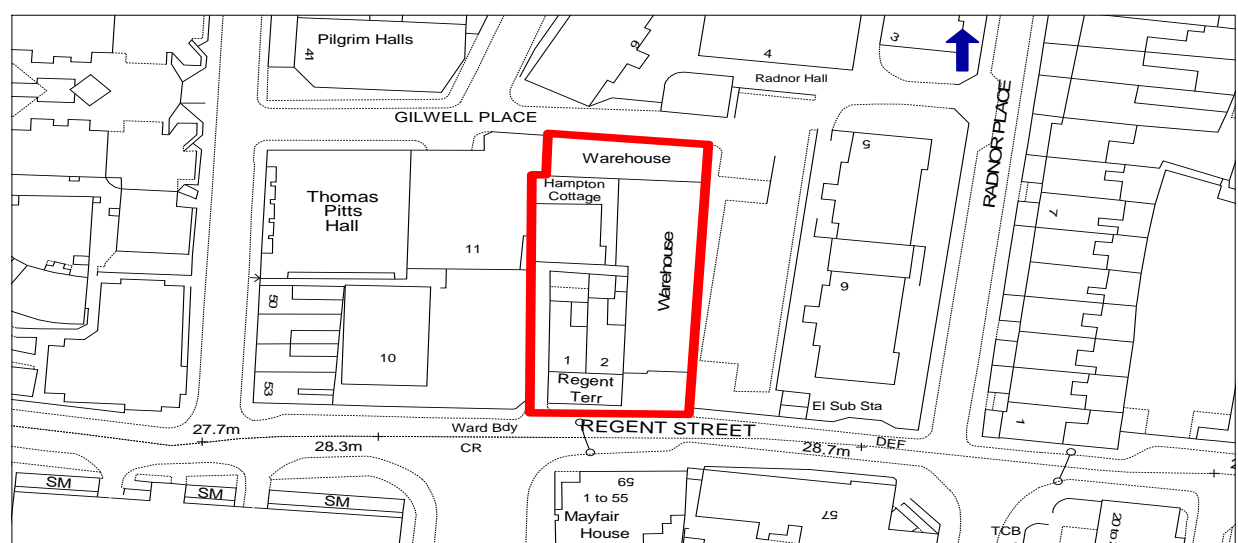
8/13 Week Date: 17/10/2011

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 [insert full date]

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Site Description

The site comprises 0.11 hectares of land and buildings situated between Regent Street and Gilwell Place, a short distance north east of the city centre. There is a mixture of uses on the site including residential properties at 1-3 Hampton Cottages, towards the rear of the site, and Nos.1 and 2 Regent Terrace, which front Regent Street. Just under half the site consists of low level warehouse buildings belonging to WH Joce & Sons Ltd and there is a separate warehouse building to the rear that runs parallel to Gilwell Place.

The site is bounded to the west by the Co-op car park and premises and parking belonging to Plymouth College of Art and Design. On the opposite side of the road, to the south, lies the 5-storey building at Mayfair House and to the east there is a car park, beyond which lies mainly 4-storey student accommodation. There is further multi-storey student accommodation to the north of the site.

Proposal Description

Erection of 7 storey building containing 193 student bedrooms within 36 cluster flats and 2 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings). The building is orientated on a north/south axis between Regent Street and Gilwell Place and the higher, 7 storey parts, are situated at the north-eastern and south-eastern corners of the site. A 5 storey section links the two higher parts, which each have an additional 5 storey section adjoining their western sides.

The 'Strategy Plan' submitted with the application shows how the Co-op site adjacent might come forward as a development proposal and it was agreed at pre-app stage that this potential phase 2 so that members can see a vision of how the area might look if the Co-op site is developed as envisaged.

Relevant Planning History

The proposals were the subject of pre-application enquiry earlier this year when the Local Planning Authority advised the applicants that the scheme is acceptable in principle subject to some alterations and a Section 106 agreement to mitigate the impacts of the development. The Local Planning Authority's view is that the height of the development is at the upper limit of acceptability.

Consultation Responses

Transport

Formal observations are awaited, although informally there are no objections in principle subject to conditions and alterations to the highway maintainable at the public expense.

Public Protection Service

No objections subject to conditions on land quality.

South West Water

No objections.

Representations

One letter has been received from an occupier in Radnor Place, which raises objections on the grounds that the proposed building has far too many storeys. The surrounding buildings are of only 4 storeys. The proposed height of this building could block sunlight from the front of the objector's property and surrounding properties.

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 site's recognised established use appears to fall within the B1, B2 and B8 (Industrial/warehousing) Use Classes. Officers consider 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 of Plymouth's Local Development Framework 2007 that there is an adequate supply of employment land in the city. It is considered that the proposals represent a high density development which makes efficient use of this 'brown field' site.

Layout, Design, Orientation and Appearance

Policy CS34 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 in that multi-storey residential accommodation surrounds the site on three sides. The area to the west is more open and low level, comprising the Co-op store and Art College premises. The topography at the site and immediate

surrounding areas is generally sloping from north to south. Density levels in the area are quite high due to the presence of student accommodation and terraced houses.

The site occupies a location that is very prominent in the street scene of Regent Street but would be less visible from main thoroughfares to the east and north. The proposed development is arranged so that the west side of the site looks inwards to a courtyard, bin and cycle storage area. The prominent south elevation is set back between 3.5 to 4.5 metres from the carriageway but would be only approximately 2.3 metres from the carriageway at the south-eastern corner, which is the highest part of the building. However, this part of the building is opposite a 5 storey residential block, which is set back a similar distance from the carriageway, and not the main vista looking northwards up Hampton Street. Therefore it is considered that the degree of set back from the road is sufficient and not out of character and that the development would not be incongruously imposing in the street scene. From the east and north the development sits reasonably comfortably within the context of multi-storey student accommodation in Radnor Place and Gilwell Street.

With regard to materials, the simple combination of natural slate and grey roofing material; through coloured render, stone cladding at ground floor and (inward facing) cedar cladding for the walls and aluminium windows is considered by officers to be appropriate to the contemporary, modern approach to the design and external appearance of the building.

Overall, it is considered that the proposed development provides an appropriate, contemporary residential development 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 street pattern in the area 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 development proposed is acceptable and that each unit has an adequate level of privacy and natural light. In this respect the proposed bedrooms are approximately 12m² in size.

In this case the development is opposed by high residential blocks to the south, east and north and in this context of relatively high density residential development the proposed building is not considered to be detrimental to the amenities of neighbours in terms of privacy, daylight, sunlight and outlook. Occupiers in Radnor Place have objected due to loss of sunlight. There would be some overshadowing of the Radnor Place student halls in the afternoons, especially in the winter months, but the separation distance between the proposed building and the existing halls, at a minimum of 18 metres approximately is considered to be acceptable, in accordance with policy CS34 of the Core Strategy and the Development Guidelines Supplementary Planning Document 2009.

Highways Issues

Officers consider that the site is situated in a sustainable location for student accommodation; 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 the bus station 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. The proposals involve extinguishing the adopted lane serving Hampton Cottages and improving the footway fronting Regent Street, both of which raise no planning issues.

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. 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 swift boxes within the development 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 biodiversity net gain,

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure requiring mitigation. This mitigation will be achieved through a planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

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 £16,100.

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 £85,113.

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 £46,921.

The applicants have asked for the development to be considered under the current Market Recovery Scheme and thus agree to the conditions 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.

Given that the development will not provide for the complete mitigation of its impacts, it is necessary to ensure that the planning contributions are allocated to address the impacts of greatest need. The following priorities are recommended, having regard to priority local infrastructure requirements and the specific needs of the neighbourhood within which the development is located.

The following Heads of Terms are therefore 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 mitigation £11,782 to be allocated to the provision of improved library facilities in the area (central).

c. Playing pitches mitigation £62,285 to be allocated to the provision of improved playing pitch facilities in the Drake sub-area, as identified in the Playing Pitch Strategy.

In conclusion, developer contributions of £74,067 are sought to mitigate the adverse local infrastructure impacts of the proposal.

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.

The Development Guidelines Supplementary Planning Document states that purpose-built student accommodation in the form of cluster flats and studio development, in accessible locations, with on-site management staffing, relieves the pressure on family-sized dwellings in popular locations such as Mutley and

Greenbank and reduces the need for students to commute by car. It is considered that the proposals fulfill these aims.

It is considered also that the proposal would provide a contemporary student housing scheme with a design solution that is appropriate to its surroundings. 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 16 October 2011.

Recommendation

In respect of the application dated **18/07/2011** and the submitted drawings Location plan, 865-2B, 865-3, 865-9, 865-12B, 865-21B, 865-22B, 865-25C, 865-26A, Transport Statement, Biodiversity Enhancement Strategy, Bat and Nesting Bird Survey, Phase I Desk Study Report and accompanying design and access statement, 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: Location plan, 865-2B, 865-3, 865-12B, 865-21B, 865-22B, 865-25C and 865-26A

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.

DETAILS OF BOUNDARY TREATMENT

(3) 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.

LAND QUALITY

(4) 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 conditions 5 to 8 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 condition 8 has been complied with in relation to that contamination.

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.

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,

- ecological systems,
- archeological sites and ancient monuments;

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

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

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

(6) 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

(7) 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

(8) 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 6, 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 7.

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

(9) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall incorporate six self-contained ibstock swift boxes into the fabric of the proposed northern elevation. These must be installed at the level of the eaves, at least 5 metres above the ground and in groups of three (as swifts nest in colonies).

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

(10) 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

(11) 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.

STUDENT USE RESTRICTION

(12) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

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

(13) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed (which shall include details of a resident warden), 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.

INFORMATIVE - CODE OF PRACTICE

(1) The management plan required by condition 11 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.

INFORMATIVE - DETAILS OF THE MANAGEMENT ARRANGEMENTS

(2) The applicant is hereby advised that the management details to be submitted and agreed under condition 13 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, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

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. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.

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.

The applicant is encouraged to open and to maintain a dialogue with future residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

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 (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (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
- CS22 - Pollution
- CS19 - Wildlife
- CS20 - Resource Use
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- NPPF - Draft National Planning Policy Framework 2011