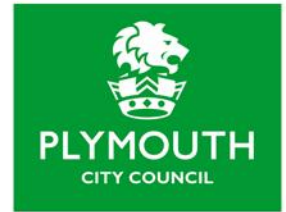


PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 12/02008/FUL

Applicant: Trathen Properties Ltd

Description of Application: Retention of two linked blocks of student accommodation for 220 students with ancillary facilities and on and off street parking at East Park Avenue; removal of conditions 2 and 3 of planning permission 01/00940 to release the land at the junction of Dale Road and Siding Road, (previously described as East Park Avenue) from its car parking use.

Type of Application: Full Application

Site Address: LAND AT JUNCTION OF DALE ROAD AND SIDING ROAD PLYMOUTH

Ward: Drake

Valid Date of Application: 21/11/2012

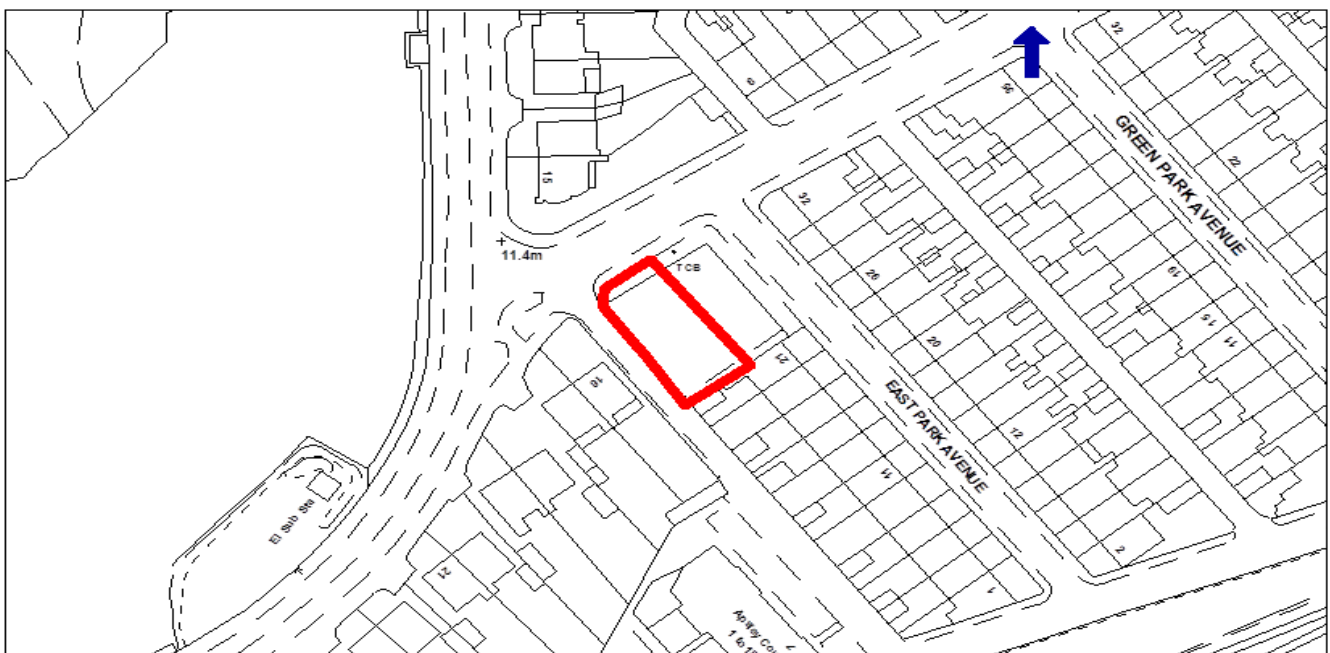
8/13 Week Date: 20/02/2013

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Robert McMillan

Recommendation: Grant Conditionally

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Site Description

The site is an open area that has permission for a parking area for Central Park Towers on the corner of Dale Road and Siding Road in a residential area. It is a small site of 258 sq m. It has a tarmac surface with palisade boundary fencing. It adjoins a vacant site cordoned off with hoarding. It is 127m from Central Park Towers.

Proposal Description

The application is to remove two conditions attached to the original planning permission for Central Park Towers and the land bounded by East Park Avenue, Dale Road and Siding Road. These restrict the use of the land bounded by East Park Avenue, Dale Road and Siding Road to be used for parking ancillary to Central Park Towers.

Pre-Application Enquiry

None.

Relevant Planning History

Application site and 28 Central Park Avenue (now known as Central Park Towers

01/00940 – FULL - Demolition of existing buildings and erection of two linked blocks of student accommodation for 220 students with ancillary facilities and on and off site parking at East Park Avenue – GRANTED.

Adjoining site

10/02013 – FULL - Erection of 5 terraced town houses (three storey) with associated parking and refuse storage (renewal of 07/01957/FUL) – GRANTED.

07/01957/FUL - Erection of 5 terraced town houses (three storey) with associated parking and refuse storage – GRANTED.

07/01494/OPR - Blocking up of access lane with hoarding/gate – enforcement case file closed

07/00167/FUL - Erect 5 terraced town houses (three storey) with associated parking – REFUSED.

04/01641/FUL - 5 terraced dwellings with integral garages – GRANTED.

04/00910/FUL - Development of 5 terraced town houses and associated parking – WITHDRAWN.

04/00176/LAND - Untidy land etc – Enforcement case file closed.

04/00101/FUL - Development of part of site by erection of a terrace of 5 three storey dwellings with integral garages – WITHDRAWN.

Consultation Responses

Local Highway Authority

No objection provided that a condition is attached requiring a travel plan to account for the loss of off-street parking for the student accommodation at Central Park Towers.

Representations

There are 11 letters/emails of representation from 10 residents raising the following points:

1. It should remain as parking for students as parking in the area is at a premium, where would the cars go?
2. There are fewer on street spaces with the larger bus bays on Dale Road;
3. There are insufficient on-street spaces for the number of parking permits in the area;
4. If the conditions are lifted it would undermine the original permission;
5. Harm to highway safety;
6. Add to congestion;
7. The site has not been available for students;
8. Added pressure on drains at a junction that floods;
9. If permitted it will lead to pressure for development which could be student housing;
10. Doesn't wish to see East Park Avenue changed into a "student street".
11. Good to see the original confusion with the site description rectified; and
12. Alleges that some of the conditions attached to the original permission have not been complied with.

The re-advertisement period was still running when the report was prepared. Any additional representations will be reported in an addendum report.

Analysis

The main issue with this application is the effect of the loss of the parking area on safety and inconvenience on the local highway. The policy considerations are: Core Strategy policies and strategic objectives SO3 Delivering Sustainable Linked Communities, CS01 Development of Sustainable Linked Communities, SO 14 Delivering Sustainable Transport, CS28 Local Transport Considerations and CS34 Planning Application Considerations; the National Planning Policy Framework and the adopted Development Guidelines Supplementary Planning Document.

When planning permission was granted for Central Park Towers and the application site the following conditions were attached:

2. Provision of car parking areas

Each parking space shown on the approved plans, including those in the detached car park off Dale Road (East Park Avenue), shall be constructed, drained, surfaced and made available for use before any unit of accommodation is first occupied and thereafter the spaces 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.

3. Dale Road car parking area

The detached car parking area, off Dale Road (East Park Avenue), shall be landscaped, enclosed, and laid out in accordance with drawings which shall be submitted to and approved by the Local Planning Authority, in writing before - the units hereby approved are occupied.

Reason

To ensure that the site is properly landscaped and treated, to accord with the Policy AEV38 of the adopted City Of Plymouth Local Plan First Alteration 1996.

The applicant wishes to have these conditions removed as the area is no longer used for parking by the student occupiers of Central Park Towers. The management company has stated that:

“Demand was high in the early days, but has slowly diminished over the years, as it became common knowledge that Plymouth was discouraging student drivers.

The feedback from the students is that the car park is too far away from Central Park Towers and that in the winter months they felt it was unsafe at night walking from the car park.

There has been little or no use over the last few years and attempts to attract other users have failed, as it is too far from the station and town centre. The site was used for container storage 2009 - 2010 which was very unsightly and received numerous complaints from the surrounding residents and it has since been cleared. . . .”

The case officer’s anecdotal evidence is that he has visited the site on three occasions at different times since December 2012 during term time and has never seen a car parked there.

The local highway authority (LHA) is not aware that the number of occupiers at Central Park Towers has been reduced. There is no travel plan with Central Park Towers. The LHA suggests a condition requiring a travel plan to mitigate the loss of the land available for parking. If it is not attached the LHA would advise that permission ought to be refused because of the loss of parking. The request for a travel plan to encourage more sustainable means of travel is reasonable and is included in the recommendation. Also as condition 2 relates to the main site and the land at the junction of Dale Road and Siding Road a new condition 2 is attached so that the parking at Central Park Towers is retained.

Officers understand the objections from local residents given the parking pressure in the area. The condition requiring a travel plan will encourage the occupiers of

Central Park Towers to travel by walking, cycling and public transport to reduce the reliance on the use of cars.

If members are minded to grant permission the site would be unencumbered by a restrictive condition and would have development potential either on its own or combined with the adjoining site which has permission for five houses. There are no current proposals and any future development of the site would be subject to normal planning procedures.

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

None required

Equalities & Diversities issues

No issues raised by this application

Conclusions

The proposed removal of conditions 2 and 3 of planning permission 01/00940 to lift the parking restriction on the site at the junction of Dale Road and Siding Road is acceptable subject to a new condition 2 to continue to protect the parking at Central Park Towers and a condition for a travel plan for Central Park Towers to compensate for the loss of this off-street parking. The recommendation is to grant conditional permission.

Recommendation

In respect of the application dated **21/11/2012** and the submitted drawings site location plan, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) This permission relates to the following approved plans: the site location plan.

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.

PROVISION OF CAR PARKING AREAS

(2)The existing land used for car parking purposes at Central Park Towers (formerly 28 Central Park Avenue) shall not be used for any purpose other than the parking of vehicles ancillary to the residential use of Central Park Towers.

Reason:

To enable vehicles used by the occupiers of and visitors to Central Park Towers 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 to comply with policies CS28 and CS34 of the adopted City of Plymouth Core Strategy development plan document

MANAGEMENT CODE OF PRACTICE

(3)The development permitted under planning permission 01/00940 known as Central Park Towers shall be operated in accordance with a Management Code of Practice which, if not previously approved, shall be submitted to the local planning authority within 6 weeks from the date of this permission and approved in writing by the local planning authority. The premises shall be managed in accordance with the approved Management Code of Practice permanently, unless the written consent is given by the local planning authority for any variation.

Reason:

To protect the amenities of neighbouring residential occupiers in accordance with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

TRAVEL PLAN

(4)The cessation of the use of the land bounded by Dale Road and Siding Road for off-site car parking ancillary to Central Park Towers shall not take place until a Travel Plan (TP) for the existing student accommodation at Central Park Towers has been submitted to and approved in writing by the Local Planning Authority. The said TP shall seek to encourage students to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the TP; and the name, position and contact telephone number of the person responsible for its implementation. The TP shall be implemented from the date of the cessation of the use of the land bounded by Dale Road and Siding Road for off-site car parking ancillary to Central Park Towers.

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 Policies CS28 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

STUDENT ACCOMMODATION

(5)The occupation of the accommodation hereby permitted, shall be limited to students in full time education only unless otherwise agreed in writing by the Local Planning Authority.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy ACR7 of the adopted City of Plymouth Local Plan First Alteration 1996, but its occupation by any other persons would need to be the subject of a further application for consideration on its merits.

INFORMATIVE - MANAGEMENT CODE OF PRACTICE

(1)The applicant is advised that the Management Code of Practice required by condition 3 shall include proposals to circulate to all residents within 300 metres of Central Park Towers annually with details of the name, address, telephone number and email address of the person responsible for the management of Central Park Towers. The person responsible for the management of the property shall be required on a strict timetable to investigate any complaint (within 24 hours), provide a written response within 3 working days and take any action deemed necessary to deal with any cases of nuisance reported.

INFORMATIVE: CONDITIONAL APPROVAL (2)

(2)In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

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 removal of the parking area at the land bounded by Dale Road and Siding Road on highway safety and inconvenience on the local roads 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:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS01 - Sustainable Linked Communities

SO3 - Delivering Sustainable Linked Communities

SO14 - Delivering Sustainable Transport Targets

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012