

PLANNING APPLICATION REPORT



ITEM: 04

Application Number: I3/00481/FUL

Applicant: University of Plymouth

Description of Application: Erection of new building, arranged as 11 storey tower and 6 storey living/learning residences to provide 183 student bedspaces (within 31 cluster flats) and ancillary warden accommodation, associated communal facilities, cafeteria/exhibition space, refuse and bike store, non-residential university accommodation and new pedestrian access route with associated landscaping works.

Type of Application: Full Application

Site Address: JOHN LANE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS, PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

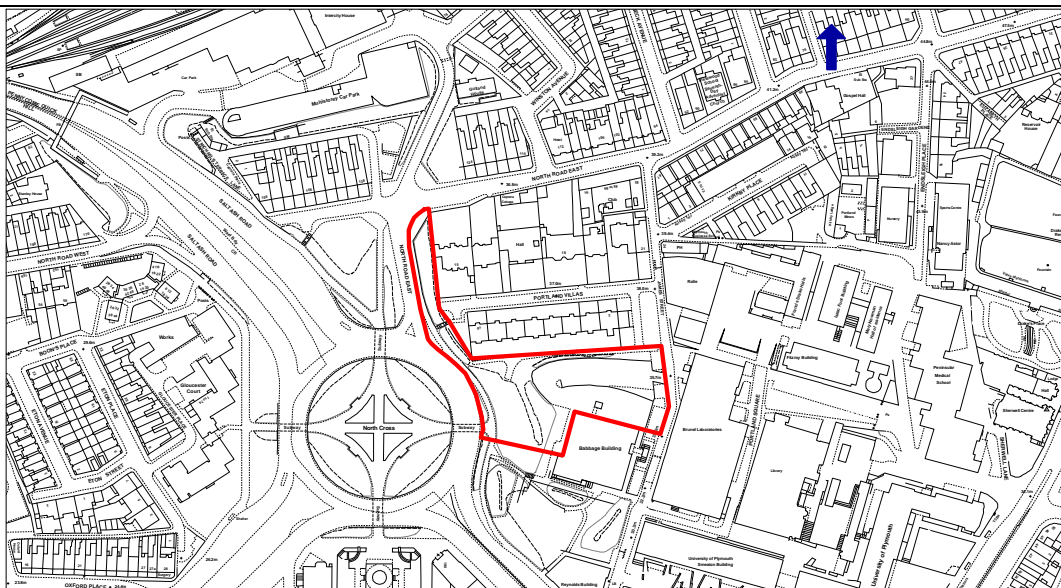
8/13 Week Date: 17/06/2013

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

Case Officer : Matt Coombe

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2013

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This application has been referred to Planning Committee by Councillor Ricketts.

Site Description

The site is about 0.72 hectares in size and is located on the western boundary of the University campus to the east of the North Cross roundabout and subways. The University's Babbage Building lies to the south and the Grade II Listed Portland Villas buildings to the north. The site has a number of level changes – broadly sloping down from north to south and from east to west. The most visible part of the site is the large grassed embankment to its west. The University's car park and recycling centre accessed from James Street to the east. The historic tree-lined John Lane runs east/west along the site's north boundary. There are no existing buildings on the site.

Proposal Description

The proposal takes the form of an 11 storey tower linked to a 6 storey terrace building providing 183 student bed spaces (within 31 cluster flats), warden accommodation, communal facilities, café/exhibition space, refuse and bike store, non-residential university accommodation and a new pedestrian access route with associated landscaping works.

Pre-Application Enquiry

Planning officers had extensive pre-application meetings with the applicants and their agents (as part of the wider formal pre-application enquiry 12/02287/MAJ). Discussions were positive and officers successfully negotiated a number of improvements to the scheme including;

- i. the creation of a more elegant and slender tower structure – taller than it is wide,
- ii. improvements to the tower roof profile and modelling to create a memorable silhouette,
- iii. improvements to the tower's material palette,
- iv. the creation of a publicly accessible amphitheatre space to provide a welcoming and attractive entrance into the University campus on the approach from the North Cross subway, as well as views towards the Sound and Mount Edgcumbe from the upper terrace,
- v. the addition of doors and windows into the east elevation terrace flank wall to create an active frontage overlooking and giving natural surveillance to the site's James Street frontage,
- vi. avoidance of render (which it was considered would weather badly) on the elevations, and
- vii. upgrading the residential windows from UPVC to a higher quality aluminium system.

Relevant Planning History

The site has no relevant planning history.

Consultation Responses

Highways Authority – The Highways Authority initially requested additional information concerning the proposed drop-off arrangements at the start of term and the further justification for the cycle storage standards proposed. Details have been supplied and have addressed these concerns.

Police Architectural Liaison Officer – No objections.

Public Protection Service – No objections subject to conditions.

South West Water - No objections.

Representations

19 letters of representation have been received and 18 object to the proposal. The majority make general comments about all the concurrent University planning applications and raise the following issues:

- Too many student properties in the area already
- Affordable housing should be provided in the area rather than more student housing
- Houses in Multiple Occupation (HMOs) will lie vacant in surrounding areas and what impact will this have
- Small hotels and guesthouses have closed as a result of the University letting out their rooms during the summer months
- Loss of offices will change the nature of the campus
- Negative impact on the nature and character of the neighbourhood
- Negative impact on the amenities of neighbouring residential properties
- Noise and waste pollution
- Noise Study is not representative
- An agreement should be used to increase campus patrols at night to limit noise, there should be daily refuse collections on North Hill (Thurs-Sun) and the university should provide a 24 hour shop on campus
- Antisocial behaviour will increase e.g. car damage, graffiti, litter
- No Management Plan is in existence yet
- The density of buildings on campus is already too high
- The number of extra people in the area will lead to overcrowding
- Poor quality of life will be created for students and staff
- Parking problems will increase
- The introduction of further tall buildings may create “wind tunnels”
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people could not attend
- It was not easy to make comments and the process has not been open and transparent

One letter of support has been received which suggests that moving students on to campus will encourage existing HMOs in surrounding areas (e.g. Mutley) to be converted back in to family housing.

Analysis

1. Consideration of this application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing out Crime), CS33 (Community Benefits) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy (2006-2021) 2007. The City Centre and University Area Action Plan (AAP) is a key consideration. The Design, Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents have also been taken in to account. Appropriate consideration has also been given to the National Planning Policy Framework 2012.
2. The main planning considerations are: design; historic environment; impact on the character of the area; the standard of accommodation provided; and parking and transport issues, as detailed below.

Design

3. The principle of a tall building on the site is supported by the Core Strategy, the AAP and the Design SPD, which identify the site as being within the Tall Building Zone of Opportunity. Officers consider that a tall building in this location is also considered justifiable on the basis that it will act as an “urban marker”, widely signposting the western entryway to the University – just as the Roland Levinsky building marks the south east entryway to the campus from the City Centre. The acceptability of tall buildings also depends to a large extent on the quality of the architecture proposed. In this instance it is considered that an appropriate quality has been achieved - various improvements have been negotiated to the tower through the pre-application stage – leading to a form that is more slender and elegant in proportion, with a more memorable profile and a higher quality residential window system and materials palette.
4. The design of the rest of the proposed building is generally considered positive in terms of its footprint, massing, architectural expression, active ground floor frontage and materials palette.
5. High quality new public realm will be provided as part of the proposal, including a new tree-lined pedestrian/cycle route which will direct people from North Road East near the railway station, past a new café/reception facility and terrace at the base of the tower (where attractive views towards Armada Way, Mount Edgcumbe and Plymouth’s waterfront can be enjoyed) and along a new tree-lined route into the campus. Pedestrians approaching from the North Cross subway at the lower level will encounter a new public amphitheatre space, enlivened with an active frontage in the form of the lower level or the café space at the base of the tower. The amphitheatre space connects to the new route into the campus at the higher level and will also help provide a welcoming experience to guide people into the University.

Historic Environment

6. To the north of the site lies Portland Villas – two rows of mid to late 19th Century town houses which are Grade II listed. Their setting was radically altered in the 20th Century, as a result of the Blitz and post-war reconstruction, but they nevertheless form a robust reminder of Victorian Plymouth, particularly when viewed from Portland Villas itself (the street) and from the south and southwest from where they form a strong contrast with the more modern University buildings. They form a well-preserved and distinguished group of important listed buildings.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority [...] shall have special regard to the desirability of preserving the building or its setting”.
8. The NPPF (para.132) states that “great weight” should be attached to the conservation of designated historic assets, and proposals that cause “substantial harm” should be refused unless it can be demonstrated that the proposed development will achieve “substantial public benefits that outweigh that harm or loss”.
9. Clearly, the proposed tower has an impact on the setting of these buildings, as does its linking 6 storey wing, to a lesser extent. However, it is not considered that there is substantial harm to the setting of the buildings in this case. The principle of a tall building on the site is supported by the Core Strategy, AAP and Design SPD and it is considered that the scheme will deliver sufficient benefits to outweigh any impact on the Listed buildings. The historic environment impact here is in fact far less than that for the Roland Levinsky Building which impacted (justifiably) on Listed buildings of more importance and required the demolition of the historic Rowe Street buildings. No demolition or changes to any historic structures are proposed here.
10. The National Planning Policy Framework (NPPF) (para.137) states that new development within the setting of heritage assets should “enhance” those assets. It is considered that the proposal is of a quality which will enhance the setting of Portland Villas – including by providing high quality public realm to replace the utilitarian highway verge to their west and by framing them within a new building frontage to their south.

Impact on the Character of the Area

11. The University is one of the major employers in the city, and has in recent years embarked on an ambitious programme of development informed by the University Strategic Development Framework. This document was produced with the support of the Council and, together with an Interim Planning Statement, formed part of the evidence base for the Core Strategy and the AAP.

12. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.
13. Proposal CCI6 of the AAP supports the University “evolving in to a high quality mixed-use campus, incorporating education led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.”
14. This application would support the principles of the Core Strategy and AAP by providing a further concentration of students on the main campus. This would help to increase activity and street level vibrancy beyond the working day.
15. The principle of creating further student accommodation on campus is therefore supported but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from local residents concerned that the significant increase in the student population would not contribute to the creation of a “sustainable community” and would be detrimental to the overall character of the area.
16. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has led to increasing occurrences of anti-social behaviour. The CCUAPP acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose-built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.
17. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition, the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs. It is considered that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 51-60% of properties within the census output area where the university campus is located are HMOs with the contiguous area providing a slightly reduced figure of between 41-50%.

18. In this case, as the proposal does not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted to open-market housing. Taking into account the fact that the properties form part of the established University campus, and are in University ownership, the likelihood of the properties becoming market or affordable housing is considered remote. The format of the proposal means that accommodation within it is unlikely to be suitable as single dwellings and conversion into large flats would be difficult.
19. Officers consider that there is an established policy basis, contained within both the Core Strategy and AAP, supporting the provision of additional student accommodation on the university campus. It is accepted that there has been growing concern surrounding the significant increase of HMOs in the neighbourhoods in close proximity to the campus, which resulted in the Local Planning Authority introducing the Article 4 direction in September 2012. Whilst the proposal will add to the amount of HMOs in the locality it will be in a different form of development. The development will be contained within the University campus which already has a very different character than surrounding residential streets. The accommodation will be carefully managed, and it is considered that the development is unlikely to create a negative change to the character of the neighbourhood.
20. In terms of the area surrounding the campus, the provision of good quality, purpose-built accommodation for students would help to encourage the conversion of existing HMOs back to family housing, and improve the balance of housing types and tenures in the neighbourhood. One letter of representation, from a resident of Mutley, has been received that makes just this point. This would be a welcome benefit of the development.
21. Local hoteliers have raised concerns that, if the accommodation is allowed to be occupied by the general public in the summer months, it will have a detrimental effect on trade and could result in businesses closing down. A restrictive condition will be imposed to limit this kind of use in the summer months and to safeguard the vitality of the surrounding area.
22. In conclusion, the benefit of concentrating student accommodation on campus, away from surrounding residential areas, is considered to outweigh the introduction of another HMO into the neighbourhood. The scheme will comply with the aspirations of the Core Strategy and Proposal CCI6 of the AAP and is not considered to cause harm to the character of the area.

Impact on Neighbouring Amenity

23. The John Lane site occupies an internal position within the University campus and does not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any neighbouring properties. However, letters of representation have been received from surrounding residents concerned about the potential impact a large influx of students will have on the wider amenity of the area.

24. The application has been submitted alongside a range of accompanying information and it is considered that careful thought has been given to limit any potential impact on the amenities of the existing residents.
25. Officers are confident that waste management will be carefully managed from the proposed student housing and will be integrated in to existing procedures within the campus. University staff (UPP Residential Services Ltd) will therefore directly collect waste from kitchens, which will reduce the likelihood of litter problems in surrounding streets.
26. Initially a management plan was not submitted to accompany the application. However, given the concerns raised by the local residents, clarification over the management of the property has now been submitted. The University already has a number of halls of residence which are controlled through the Halls of Residence Handbook, the Residence Licence Agreement and ultimately the University Code of Conduct. Officers consider that the management of the accommodation is rigorous and any breach of the regulations could have serious implications for the student which could ultimately result in suspension or expulsion. In terms of noise and general antisocial behaviour, officers consider that a management plan that incorporates the University's existing management measures and improves consultation with neighbours would adequately deal with problems should they arise. The applicants have confirmed that the management plan will include the following:
- 24 hour complaints procedure with the police
 - University security on hand 24 hours a day can be directed by the Police to attend any incidents
 - A single point contact for complaints
 - Leaflet drops to neighbours, or similar, giving relevant information, including details of complaints procedure.
 - Students must sign a licence agreement that robustly sets out the disciplinary procedure
 - Students must abide by the Code of Conduct set out in the student handbook
27. With a condition to ensure that these measures would be in place, officers are satisfied that this proposal would not result in unacceptable harm to the amenity of near neighbours.
28. Letters of representation received suggest that students are responsible for graffiti and car damage in the area. This claim is unsubstantiated and it cannot be assumed that new students in the area will exacerbate this problem. However, these issues would need to be dealt with by the police and cannot be addressed through the planning process.

29. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking of North Hill and to ensure a 24 hour shop is provided on campus. It is not considered by officers that these issues need to be controlled to make this development acceptable. Wardens will be resident in a number of the properties and the management plan should adequately control the behaviour of future residents. An agreement or condition to ensure litter picking of North Hill could not be directly related to the application and could not therefore be imposed. The provision of a 24 hour shop on campus is something that may be considered as part of its continued development. However, this is not considered essential or necessary for the determination of this application. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.
30. In conclusion, it is considered that the location of the development on the main campus, where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

Standard of Accommodation

31. It is considered that the scheme will provide a high standard of purpose-built student accommodation, and it is in the University's interest to do so in terms of providing a competitive and attractive "living and learning space" offer.
32. The smallest rooms provided will measure approximately 10 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. It is considered that residents will enjoy a good balance between communal and private space with the added benefit of attractive communal lounges, the on-site café, and outside amenity area, including the proposed amphitheatre space.
33. It is noted that this application together with concurrent proposals for the campus will increase the population in this locality by over 800 people. However, it is not considered that this will lead to overcrowding. Each resident will have adequate personal space and will not be living in substandard conditions.

Parking and Transport Issues

34. The overall proposal to increase the number of students resident on the University campus is considered acceptable by officers, subject to a number of conditions. The principle of a car free- development is supported and is in accordance with the University's established policy of reducing car parking at the main campus, which benefits from good links with the nearby city centre and railway station. There are already around 1,700 existing rooms in halls of residence on the campus and all the proposals will add a further 888 rooms or 1,027 bed-spaces.

35. The level of secure cycle storage proposed is in the order of 1 bike space per 3 bed-spaces – 67 spaces in total. This is less than the 1 to 2 ratio recommended in the Development Guidelines document. However, further to negotiations, additional cycle parking has been provided within the adjacent Portland Villas South proposal (about 27 extra spaces). The total cycle storage is considered acceptable, particularly given that the scheme is located on campus, close to all amenities and this will reduce the level of cycle travel.
36. The University operates a drop-off and pick-up strategy which allows for temporary alterations to parking arrangements on the site and Traffic Regulation Orders at the beginning of each term. A document has been produced outlining this strategy and showing how this would need to change to accommodate the increase in students envisaged by the current set of planning applications. It is recommended that this drop-off and pick-up strategy should form part of the existing University Travel Plan for the whole campus and a condition is proposed to secure this amendment.
37. There is a need to improve way-marking and signage around the campus to help students locate nearby facilities such as the railway station and city centre. It is suggested therefore that a way-marking strategy be implemented in order to provide the necessary signage and improve pedestrian links to and within the campus. Such signs would be of a similar style to those already provided elsewhere, however the increase in student numbers on the campus, particularly at the western end, would provide further justification for this measure.
38. The original drawings for this scheme showed a narrowing of the public footway /cycleway leading to the North Cross subway underpass at the western end of the site. However, the plans have now been modified so that all alterations are within land under the control of the applicant.
- Sustainability
39. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority considers that the report adequately addresses policy CS20 and proposal CC05 of the AAP. A condition is recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.
- Other Issues
40. The University did undertake a process of community involvement. Criticism has been made that this process took place at the end of 2012 when local residents would have been preparing for Christmas and may have been too busy to take part. The local validation list only suggests that community involvement should take place for “significant” applications of over 150 individual dwellings. This proposal for 31 cluster flats does not fall within this category and therefore any form of additional public consultation should be welcomed.

41. It should also be noted that an offer was made by the University to the ward councillor and local residents to discuss issues of concern but that offer was not taken up.
42. A number of letters raised concerns that the applications may not be considered by Planning Committee. Applications are only referred to Planning Committee in line with the Council's Scheme of Delegation. A local ward councillor was advised to refer the planning applications to guarantee they would be debated at committee.
43. Two site notices were erected for this application alongside a notice being placed in the press, which is in accordance with the Council's Publicity Code. This clearly states how members of the public can comment on the application. The Council has made all information available online to ensure people are fully aware of the proposals.

Local Finance Considerations

44. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £299,312 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Human Rights Act

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

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. The impacts of student accommodation relate particularly to the use of local infrastructure, including libraries, playing pitches and public open space.

In negotiating planning obligations to mitigate these impacts, the applicant has highlighted that the University provides its own state of the art library and sports facilities, and is therefore providing only for the mitigation of local open space impacts. Additionally, the applicant has offered a contribution of £22,399 to mitigate these impacts, which is a reduction on the normal sum sought through application of the Planning Obligations & Affordable Housing SPD formula but is justified by the applicant on grounds of viability.

Given the particular merits of this case, and having regard to the provisions of the SPD and the National Planning Policy Framework relating to viability in planning decisions, the level of contribution offered by the applicant is considered sufficient to support the granting of planning permission for this development. The contribution would be allocated to enhancing public open space in Central Park, specifically the Wooded Valley area which is highlighted in the Central Park Masterplan and identified as a priority 1 project. In addition, a planning obligations management fee of £5,000 is sought in relation to the monitoring and implementation of this obligation.

Both of these planning contributions are considered to comply with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities Issues

The University, in accordance with their “service provider duties” under the Equality Act together with UPP state a commitment to inclusive design and accessibility for everyone, where reasonably possible, including learners, staff and visitors with a range of physical, sensory, cognitive and learning impairments. The University has taken the view that provision of access bedrooms should be considered on a campus-wide basis. Within the existing portfolio of rooms, there are a number of “accessible” rooms, many of which include student / carer specific facilities. The Isaac Foot proposal will include 3 wheelchair accessible student bedrooms, in first second and third floor flats. No negative impact on any equality groups is anticipated.

Conclusions

This development will encourage students to study within the city, improve the economy and help to address the over-concentration of students in surrounding neighbourhoods such as Greenbank and Mutley. The scheme will result in improvements to living conditions for students and local residents, while improving the character, appearance and vitality of the area and meeting the infrastructure needs of the development. Good quality architecture is proposed, including a new landmark tower which will highlight the western gateway to the University and enhance the city skyline. Significant new public realm is proposed which will create a new attractive route into the campus from the railway station and North Cross. The application is therefore recommended for approval subject to the signing of a S106 agreement.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings, 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 31 May 2013**

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: 338-JL-D+A, 338-JL-PL-SITE-010 Rev A, 338-JL-PL-SITE-011 Rev A, 338-JL-PL-GA-010 Rev A, 338-JL-PL-GA-011 Rev A, 338-JL-PL-GA-100 Rev A, 338-JL-PL-GA-101 Rev A, 338-JL-PL-GA-200, John Lane Landscape Masterplan

Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

LAND QUALITY

(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 points 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

I. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

Reason:

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

DESIGN DETAILS

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

- (i) Details of the design, method of construction, materials and finish of the windows and glazing systems to be used.
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design of the external building lighting system.
- (iv) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations.
- (v) Details of the design of the treatment of the junctions between different materials.
- (vi) Details of the design and finish of all fascias and soffits.
- (vii) Details of the design and finish of all rainwater goods.

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

(7) Notwithstanding the details submitted, no development shall take place until details/samples of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

CYCLE STORAGE

(8) 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.

PROVISION OF PARKING AREA

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

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(10) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

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

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

Reason:

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

LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

DETAILS OF TREE PLANTING

(12) The plans and particulars of the landscaping works submitted in accordance with condition 11 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

TREE REPLACEMENT

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

Reason:

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

SUSTAINABILITY

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

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

Reason:

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

INTERNAL NOISE STANDARDS

(15) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The minimum to be achieved shall be reasonable room criteria during the daytime (0700 to 2300) not exceeding 40 dB LAeq for living rooms and not exceeding 35 dB LAeq bedrooms and good room criteria during the night-time (2300 to 0700) not exceeding 30 dB LAeq in bedrooms or living rooms, with windows shut and other means of ventilation provided if necessary. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

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

NOISE FROM PLANT AND MACHINERY

(16) Noise from plant and machinery from the development hereby permitted shall not exceed a rating level of 5dBA below background level at the nearest sensitive façade.

Reason:

To ensure that nearby residents do not experience unacceptable levels of noise disturbance and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

MECHANICAL EXTRACT VENTILATION

(17) Prior to the installation of any mechanical extract ventilation system the applicant must provide the Local Planning Authority with plans and information in respect of the equipment and an installation scheme, which must be approved for use in writing by the Local Planning Authority. The information provided about the mechanical extract ventilation system should include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with any proposed system, i.e., filtration systems, odour neutralising systems, etc. The information should also include details of methods to reduce any noise caused by the operation of any proposed ventilation system. The approved extract ventilation system shall be installed and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

STUDENT USE RESTRICTION

(18) 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 student delegates attending university 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

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

Reason:

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

TRAVEL PLAN

(20) The use hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users 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 Travel Plan; and arrangements for pick up and drop off of students at the beginning and end of each term; 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 Travel Plan.

Reason:

The Local Planning Authority considers that 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. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

BIODIVERSITY

(21) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to development commencing, a Biodiversity Mitigation and Enhancement Strategy shall be submitted for approval and works shall be carried out in accordance with this document.

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 the NPPF.

PEDESTRIAN SIGNAGE STRATEGY

(22) Prior to commencement of development details shall be submitted to the Local Planning Authority of a signage strategy for the campus indicating suitable waymarking for pedestrians both accessing the site and walking within the site - details of which are to be agreed in writing. The details of such a strategy shall be implemented prior to occupation of the development hereby approved.

Reason:

In order to promote walking as a means of travel to and from the campus in accordance with CS28 of the Core Strategy.

INFORMATIVE: CODE OF CONSTRUCTION

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

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

INFORMATIVE: EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

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

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3)The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, 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.
- 4 - To circulate to local residents, 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 local 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.

INFORMATIVE: TRAVEL PLAN

(4) In order to satisfy condition 21 (Travel Plan) the University as applicant should formally confirm that the University's existing Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE: INTERNAL NOISE STANDARDS

(5) The SRL Noise Report dated 7th March 2013 that has been submitted with the application recommends glazing to achieve the standards set out in condition 15, however, it states that "glazing and frames are tested in an acoustic laboratory", we recommend these tests are carried out prior to installation of any glazing to avoid difficulties in complying with the requirements of the conditions.

INFORMATIVE: FOOD SAFETY

(6) The food establishment is required to be registered with Public Protection Service 28 days prior to opening. It would be advisable for the applicant to contact the Public Protection Service, Food Safety Standards Team with regards to the design and layout of the café establishment at the earliest opportunity to ensure compliance with the Food Hygiene England Regulations 2006.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(7) 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 with the Applicant including pre-application discussions and has negotiated amendments to the application 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: loss of academic/employment space, the standard of accommodation provided, design, impact on the character of the area and parking and transport issues, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS20 - Resource Use

CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS04 - Future Employment Provision
CS15 - Housing Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document
NPPF - National Planning Policy Framework March 2012