

PLANNING APPLICATION REPORT



ITEM: 06

Application Number: 13/00490/FUL

Applicant: University of Plymouth

Description of Application: Demolition of building and erection of new four storey building to provide 104 student bedspaces (within 8 townhouses) and associated communal facilities, refuse and bike store.

Type of Application: Full Application

Site Address: KIRKBY TERRACE, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

Ward: Drake

Valid Date of Application: 18/03/2013

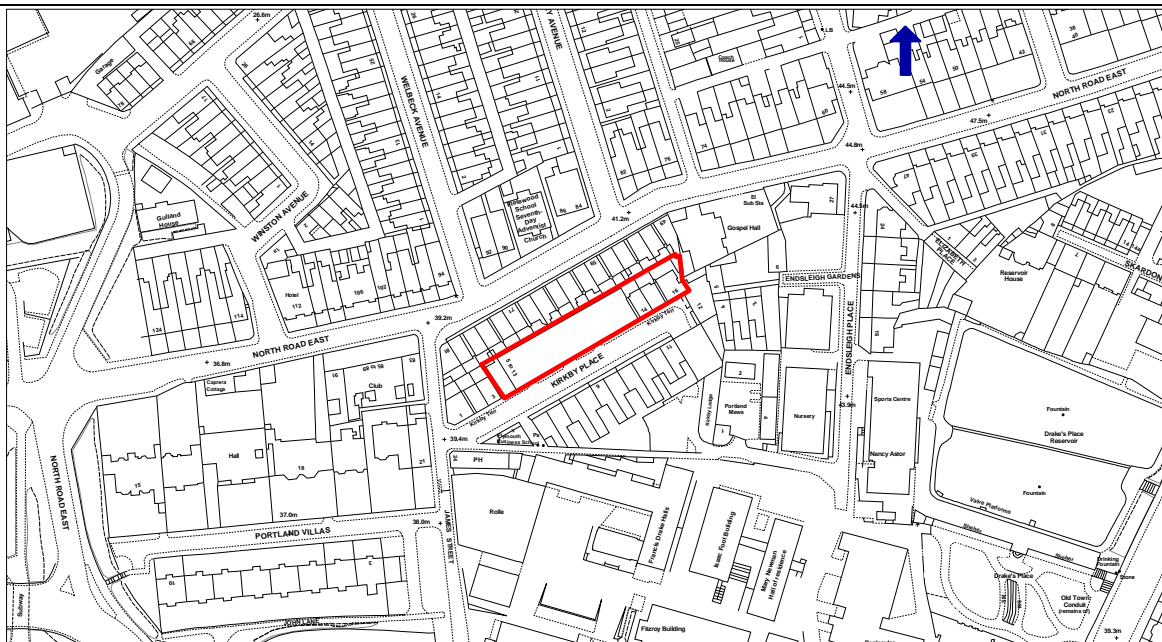
8/13 Week Date: 17/06/2013

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

Case Officer : Karen Gallacher

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

Site Description

Kirkby Terrace is located at the northern end of the University Campus, between the rear boundaries of properties in North Road East and Kirkby Place to the south.

The existing building on the site is a single storey warehouse style building that is used as the University print and post room.

Buildings on the neighbouring sites include the development site for Kirkby Place, residential properties in North Road East, and University accommodation.

Proposal Description

The proposal is to demolish the buildings on Kirkby Terrace and build a terrace of 8, four storey terraced houses to accommodate 104 students. The proposal includes cycle parking on the ground floor. External amenity space is limited small rear courtyards. The scheme is car free.

The houses are arranged over four floors. Each house has shared living space, kitchen facilities and bathrooms, each bedroom would have its own storage space and study area.

The development proposal is for a modern terrace of 8 town houses. The materials include render, bronze cladding, reconstituted slate and aluminium windows.

Pre-Application Enquiry

A formal pre-application was submitted, reference 12/02287/MAJ, to consider the conversion of existing buildings and new development to provide approximately 820 student bed spaces. Plans were provided indicating the proposed floor plans for this site and positive feedback was given.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

Public Protection Unit – No objection subject to conditions.

Police Liaison – No objection

Transport – No objections, subject to conditions

Representations

Eighteen letters of representation have been received in respect of this application. All of these 18 letters are common to all of the current applications relating to the University before the Planning Committee today. Seventeen letters are objecting to the proposals and raise the following issues:

- Detrimental to the nature, character and dynamic of this part of the city centre
- Too many student properties in the area already

- Effect the amenities of neighbouring residential properties
- Contribute to existing noise and waste pollution
- Affordable housing should be provided in the area not more student housing
- Parking problems will increase
- Anti-social behaviour will increase e.g. car damage, graffiti, litter
- So many extra people in one area will lead to overcrowding
- The introduction of further tall buildings may create “wind tunnels”
- Poor quality of life will be created for students and staff
- Noise study is not representative
- No management plan is in existence yet
- Small hotels and guesthouses have closed as a result of the university letting out their rooms during the summer months.
- The applications should be considered by Planning Committee
- The public consultation event was done at a busy time of year when people couldn't attend
- It was not easy to make comments and the process has not been open and transparent
- The density of buildings on campus is already too high
- Loss of offices will change the nature of the campus
- HMOs will lie vacant in surrounding areas and what impact will this have
- 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 24hr shop on campus.

One letter of support has been received which suggests that moving students on to campus will lead to existing HMOs in surrounding areas e.g. Mutley being turned back in to family housing.

Analysis

1. This application turns on Policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), 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 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: the effect on neighbours amenity the character and appearance of the area, the loss of the existing print and post room, the standard of accommodation provided, sustainability, and parking and highway safety issues, as detailed below.

Impact on neighbouring amenity

3. The main concern with this development proposal is the impact on the neighbouring residential property to the rear in North Road East. The houses in North Road East are a terrace of two storey buildings with small rear gardens/ external amenity areas of approximately 4.5m.

4. The relationship with the existing buildings is very poor. The post and print room is built up close to the rear boundary and imposes on the rear gardens of the houses to the rear. The existing building has a ridge height of approximately 7m. This scheme would demolish this building and proposes a four storey building with a ridge height of approximately 12.5m at a distance of 12.5 to 15m from the rear elevations of the houses opposite. Development Guidelines suggest that this distance would be acceptable for a 2 storey development, and so this scheme does not meet these guidelines. Officers are, however, recommending that this increase in height is acceptable for the following reasons:

- The new building would be set back further from the rear boundary than the existing building.
- Many of the existing houses have developed the majority of their rear gardens with single storey extensions.
- There have been no objections to the proposal from any of the residents on grounds of loss of amenity.
- The applicants have submitted a Skylight and Sunlight Impact Assessment, which shows that the development falls within advised limits.

5. The building has been designed to prevent any overlooking of these properties to the rear, with the use of high level sky lights.

6. In terms of noise and general antisocial behaviour, officers consider that a management plan which 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 are on hand 24 hours a day and can be directed by the Police to attend any incidents.
- A single point contact for complaints.
- There will be a leaflet drop to neighbours, or similar, giving relevant information including details of the complaints procedure.
- Students must sign a licence agreement that robustly sets out the disciplinary procedure.
- Students must abide by the Halls code of conduct set out in the student handbook.

7. 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.

8. The letters from surrounding residents are concerned about the potential cumulative impact a large influx of students will have on the wider amenity of the area, especially in terms of waste management, litter, noise, and general antisocial behaviour.

9. 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.

10. Officers consider that waste management would be carefully managed from the proposed student housing and would be integrated in to existing procedures within the campus. As a result of the layout of the site large bin stores would be able to be provided in the rear amenity area. The refuse would be collected once a week. It is considered by officers that this careful management would reduce the likelihood of litter problems in surrounding streets.

11. 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.

12. One of the letters of representation received suggests a legal agreement should be used to increase patrols of the campus, to ensure litter picking. It is not considered 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. Littering is a crime and any agreement or condition to ensure litter picking was undertaken could not be directly related to the application and could not therefore be imposed. It should be noted that there has been no objection to the proposal from the police.

13. In conclusion, it is considered that the location of the development close to other halls of residence, where a high degree of management will be imposed, will ensure minimal impact on residents occupying nearby properties.

14. With conditions in place to ensure the management of the properties, the proposal is considered to comply with policies CS15 and CS34 in terms of neighbours amenity.

Impact on the appearance of the area

15. The massing of the proposed 4 storey building would relate well to the existing development in the street. The design has been developed to create a modern terrace that relates in terms of scale and proportion to the original 19th Century terraces.

16. The use of render also reflects the existing style of buildings, but this is given a contemporary styling by the use of square bays and bronze finish horizontal cladding, which has been used elsewhere in the university. The roofing material would be slate to tie in with existing development.

17. The rear elevation has had to be designed to remove all habitable room windows facing the terrace to the rear. The elevation would be screened from view by the existing terrace of houses and would therefore be acceptable visually.

18. The existing post and print room is a metal shed, which does not relate well to existing buildings and this scheme is considered by officers to represent a significant positive contribution to the area and to comply with policy CS02 and CS34.

Impact on the character of the area

19. 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 written 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 City Centre and University Area Action Plan. (CCUAAP).

20. The Core Strategy supports the provision of student dwellings within the University area, subject to appropriate management.

21. Proposal CCI6 of the CCUAAP 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.”

22. These applications would support the principles of the Core Strategy and CCUAAP 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.

23. The principle of creating further student accommodation on campus is therefore supported by officers but each application needs to take into consideration, amongst other things, the needs and requirements of the local community. There have been objections from seventeen 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 .

24. 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 university 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. The CCUAAP 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.

25. 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%. Considering the 100m street level data, the information available would suggest that the conversion of these properties, taken together with the other proposals put forward by the university would result in approximately 56% of properties being in HMO use. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development.

26. In this case, as the properties do not result in the loss of residential accommodation, consideration also has to be given to the likelihood of the property being converted back in to market housing. Taking in to account 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 slim. In addition their vast size means they are unlikely to be suitable as a single dwelling and sub-division in to large flats would prove problematic due to their listed status.

27. Officers consider that there is an established policy basis, contained within both the core strategy and CCUAAP, supporting the provision of additional 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 the surrounding residential streets. In addition, based on the information provided by the University officers’ consider that the accommodation will be carefully managed, and it is considered that the development is unlikely to represent a significant change to the character of the area as a whole.

28. In terms of the wider area, the new facilities for first year students would help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. 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.

29. In addition, because of the location of this and the other campus proposals, it is likely that the majority of students will have less need to move and congregate in the residential areas to the north of the site, as they will walk south into the campus and the city centre.

30. In conclusion the benefits of concentrating student accommodation within the campus, and away from the more residential areas of the city, is considered by officers to outweigh the introduction of another HMO in a mixed use area. The proposal will comply with the aspirations of the Core Strategy and proposal CCI6 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

Standard of Accommodation

31. The proposal will create a total of 104 bedspaces within 8 townhouses. Each house would have communal kitchen, study and lounge facilities, shared toilets and bathrooms and access to the rear yard. It is considered that these communal areas, although small, would provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

32. The bedrooms would all be an acceptable size and standard to accommodate bedspace, storage and study area. All rooms are in excess of 6.5 square meters, which is the minimum size given in the HMO guidelines.

33. It is noted that this application together with concurrent proposals for the campus will potentially increase the population in this locality by 888 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.

34. The proposal is considered to meet the requirements of CS15 of the core strategy and the aims of the Development Guidelines Supplementary Planning Document, in terms of the standard of accommodation.

Highway considerations

35. The principle of a car free- development in this location is supported by the highway authority. It is in accordance with the University's established policy of reducing car parking, which benefits from good links with the nearby City Centre and Rail Station.

36. This proposal for 104 bedspaces will involve the replacement of the existing buildings fronting Kirkby Place. Cycle storage is proposed in the order 32 spaces in total which is less than required by existing policies set out in the Development Guidelines Document which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 20 spaces. The applicant points out that the existing cycle storage on campus is under used, officers recommend that given this under use, a Condition requiring the provision of the 32 spaces is acceptable in this instance.

37. The University operates a Drop of and Pick up strategy which allows for a temporary alteration 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 how this would need to change to accommodate the increase in students envisaged by this application. 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 recommended to secure this amendment.

38. Some on street car parking is available in Kirkby Place which includes some pay and display parking machines as well as a loading only bay currently used by University Printing Service. These spaces could therefore be used as pick up and drop of spaces to allow students to be brought to the campus by car. No permits will be provided to park in the residents parking spaces.

39. A Condition is suggested requiring the removal of the existing vehicle dropped crossings as no vehicular access is proposed to the new building, as well as the reinstatement of the footway along the frontage of the building once the works are finished.

40. Subject to conditions requiring cycle parking and travel plan details the proposal is considered to comply with CS28.

Employment considerations

41. Policy CS05 indicates that development of existing sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal.

42. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: The offices and post/print room do not provide contemporary office accommodation; They create dislocation from other academic and professional services groups and functions; There are problems with floor loadings and in achieving effective space utilisation and functionality; Although they provide well-liked individual office accommodation, they present issues in terms of safety and transparency for both students and staff, particularly outside of normal business hours.

43. The university has therefore taken the decision to convert these buildings back in to residential use. This decision means that a number of staff currently based within Kirkby Terrace will be displaced by the proposed student accommodation project. The long term goal will be to provide a new academic building with modern facilities to house displaced staff however, this is unlikely to be completed before September 2016. As a temporary measure displaced staff will be decanted from the main campus for a period of about 18 months to other locations in the central area of the city.

44. It should be noted that although office accommodation will be lost on campus, for a temporary period, the development will not result in staff being made redundant or a reduction in the functions offered by the university. Careful consideration will be given to what staff will be relocated from campus to ensure minimum impact on the student experience. It is considered that the proposal will lead to the creation of a more diverse and sustainable campus which will ensure the long term success of the university.

45. Furthermore the University suggest that the provision of further first year accommodation on campus is likely to result in £10 million of continuing total spending in the local economy which will help to support a range of other businesses in the surrounding area.

46. Plymouth University will work in partnership with the University Partnerships Programme (UPP) to deliver the new accommodation. UPP is a member of the "1000 club" and gives a commitment to support young people in to employment. This development will provide a total of approximately 100 jobs during the construction phase, with 15 permanent jobs being provided.

47. Surrounding hotels and guesthouses 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 their trade and could result in many businesses closing down and result in a shortage of accommodation at other times of the year. A restrictive condition is therefore recommended, limiting use in the summer months to students visiting for the summer. This will help to limit the impact on the vitality of the surrounding area.

48. Although this proposal results in loss of out of date office accommodation in this location, there would be an overall increase in jobs for the city. The proposal is therefore considered to comply with Policy CS05 in this respect.

49. The proposal is therefore considered to meet the requirements of policy CS05 in terms of the loss of the existing facilities.

Public Protection Issues

50. The Desk Study Report that has been submitted with the application does not raise an overriding objection, but a condition requiring further investigation is required.

51. There are no concerns regarding air quality. Conditions are required to ensure that the new accommodation meets room standards in terms of noise.

52. Subject to these conditions the proposal is considered to comply with CS22 in terms of pollution and public protection concerns.

Sustainability

53. The proposed scheme is not a major application and is not therefore required to meet the 15% threshold for renewable energy. The site is, however, a part of the University Campus and it is recommended that a condition is imposed to ensure that the building is capable of being connected to the future district energy network. In this respect the proposal complies with CS20.

54. The proposal does not include any landscaping works other than to create a courtyard to the north of the properties. Full details of these works are required by condition. In this way it would also be possible to ensure that the proposal would result in a net gain for biodiversity. Details of the bat survey for the buildings to be demolished will be reported verbally to the Planning Committee. There are no trees affected by the development. Subject to the results of the bat survey the proposal is considered by officers to comply with policies CS18 and CS19.

Other Issues

55. The university did undertake a process of community involvement. Criticism has been made that this process took place in November 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 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

56. 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.

57. 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.

58. 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.

59. 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.

60. Some of the issues raised in the letters received relate to tall buildings and the density of development which is not applicable to this proposal. These matters will be addressed in reports for other sites.

61. One of the letters of representation suggested the provision of a 24-hr shop on campus. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

Local finance considerations

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 £99,771.00 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 - 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 £12,730 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 are committed 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.

In 2012, 183 applicants for enrolment with Plymouth University declared a disability and for those wishing to live in the accommodation, in accordance with the University's service provider duties, many reasonable adjustments have been made to suit the individual student's requirements. These include 14 bedrooms specifically designed for use by wheelchair users, purpose designed kitchens allowing wheelchair turning and circulation space to manoeuvre around, designated disabled persons' parking spaces available for Blue Badge holders and the 'deaf alert' pager fire alarm system has been and will continue to be installed in all halls of residence.

The proposal takes into consideration UPP's Inclusive Design Policy and appropriate best practice solutions will be adopted where it is reasonable to do so. Best practice includes British Standard 8300:2009 + A1 2010, Design of Buildings and their approaches to meet the needs of disabled people. Guidance published by the Equalities Commission has also been considered in the development of the scheme strategy.

Where full wheelchair access cannot be reasonably achieved e.g. in some of the proposed refurbishments of existing buildings, or where accommodation is above ground floor level and an acceptable assisted escape strategy cannot be developed, no wheelchair accessible units will be provided. It should be noted, however, that accommodation for students with ambulant or sensory impairments is to be provided in all residential units.

Conclusions

The proposal to increase car free student accommodation within the University Campus is supported. The proposal will encourage students to study within the city, improve the economy and help to address the over concentration of students in the more residential areas of the city. The application is accompanied by detailed information that would result in improvements to living conditions for students and local residents, improve the appearance and vitality of the area and meet the infrastructure needs of the development.

The application is considered to comply with policies CS01 (Sustainable Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Sites), CS14 (New Education Facilities), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), 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 Development Guidelines and Planning Obligations and Affordable Housing Supplementary Planning Documents and the National Planning Policy Framework 2012.

Recommendation

In respect of the application dated **18/03/2013** and the submitted drawings 338-KT-PL-SITE-001, 338-KT-PL-SITE-010, 338-KT-PL-SITE-002, 338-KT-PL-GA-101 REV A, 338-KT-PL-GA-201REV A, 338-KT-PL-GA-100 REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-200 REV A. and the 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 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-KT-PL-SITE-001, 338-KT-PL-SITE-010, 338-KT-PL-SITE-002, 338-KT-PL-GA-101 REV A, 338-KT-PL-GA-201REV A, 338-KT-PL-GA-100 REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-010REV A, 338-KT-PL-GA-200 REV A.

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.

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

Reason:

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

DESIGN DETAILS

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

- (i) Details of the design, method of construction and finish of the windows and glazing systems to be used;
- (ii) Details of the depth of reveals to all window openings.
- (iii) Details of the design, materials and finish of the proposed windows;
- (iv) Details of the design of any external building lighting proposed;

- (v) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;
- (vi) Details of the design of the treatment of the junctions between different materials.

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

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

Reason:

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

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.

SUSTAINABILITY

(9) The site is located in the city centre where there are aspirations to provide a combined heat and power system (CHP). The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure that it is compatible with linkage to the CHP. The works shall be implemented on site prior to any occupation of the building and thereafter so maintained and retained.

Reason:

To ensure compliance with the City Centre and University Area Action Plan Proposal CC05 (enabling low carbon development) of the City Centre.

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.

NOISE

(12) 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.

STUDENT USE RESTRICTION

(13) 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

(14) 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

(15) 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

(16) 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.

REINSTATEMENT OF FOOTWAY

(17) The building shall not be brought into use until the existing footway crossings (to become redundant) has been removed and the footway reinstated and resurfaced along the entire frontage of the building details of which shall be submitted and approved in writing by the Local Planning Authority prior to commencement of development.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

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 the travel plan condition the University as applicant should formally confirm that the University's existing Green Travel Plan will apply to this development, and that a Travel Plan Coordinator will be employed to act as a liaison between the Local Planning Authority and the University of Plymouth.

INFORMATIVE - CONDITIONAL APPROVAL (WITH NEGOTIATION)

(5) 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
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012
CCS03 - City Centre and University Area Action Plan