

# PLANNING APPLICATION REPORT



**ITEM: 14**

**Application Number:** I3/00487/FUL

**Applicant:** University of Plymouth

**Description of Application:** Change of use, conversion and alteration from 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities, cafeteria, bike store and non-residential university accommodation.

**Type of Application:** Full Application

**Site Address:** PORTLAND NORTH, UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS PLYMOUTH

**Ward:** Drake

**Valid Date of Application:** 18/03/2013

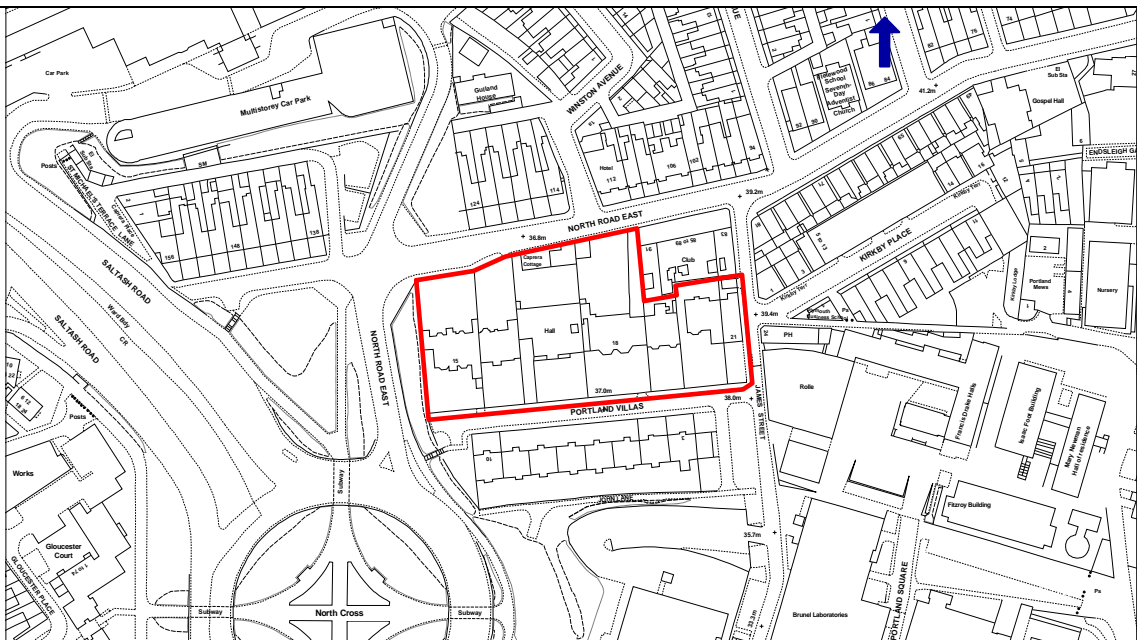
**8/13 Week Date:** 17/06/2013

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

**Case Officer :** Kate Saunders

**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 Cllr Ricketts.**

### **Site Description**

15-21 Portland Villas are Grade II listed period properties constructed around the mid- 19th century. The properties have gardens to the front with a further amenity area to the rear of 15-18.

The terrace is located to the north west of the main university campus and is bounded by North Cross roundabout to the west and North Road east to the rear. To the east is James Street and the modern Rolle Building.

### **Proposal Description**

Change of use, conversion and alteration to form 90 student bedspaces (within 6 townhouses and 2 cluster flats) and associated communal facilities, cafeteria, bike store and non-residential University accommodation.

The proposal will return the properties largely back in to residential use although University accommodation will be retained within the former chapel of No. 17. Each property will have a different layout with a mix of both twin and single rooms provided. No alterations to the external fabric of the property will be undertaken.

### **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 bedspaces. No plans were provided for this site although the principal of conversion was accepted.

### **Relevant Planning History**

There have been numerous applications dating back to 1978 for various minor external and internal alterations at Portland Villas however none are of particular relevance to this application.

This application has been submitted alongside a number of other applications, which are currently under consideration that will provide a total of 1029 student bedspaces with a range of associated facilities including cafes, common rooms, and a sports hall.

### **Consultation Responses**

Highways Authority – No objections subject to conditions

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 to address these concerns and the Highways Authority is therefore happy to recommend approval subject to conditions.

Police Architectural Liaison Officer – No objections

Public Protection Service – Recommends Refusal

The SRL Noise Report dated 7th March 2013 that has been submitted with the application states that numbers 15, 20 and 21 Portland Villas cannot or may not be able to achieve the appropriate noise criteria.

## **Representations**

Nineteen letters of representation have been received in respect of this application. Eighteen 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 loss of the office/academic accommodation; the standard of accommodation provided; the impact on the fabric of the listed building; sustainability; the effect on the character and appearance of the area and parking and highway safety issues, as detailed below.

### Employment considerations

3. Policy CS05 indicates that the 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.

4. The University has identified that the use of former residential houses on campus as administrative and academic offices is becoming increasingly problematic: the offices 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.

5. 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 Portland Villas 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. The University is currently reviewing the most appropriate locations and the availability of office accommodation with the relevant Faculty Business Managers. The requirement for any off-site accommodation not within the control of the University would be the subject of temporary lease agreements and outside the control of planning legislation.

6. It should be noted that the University have confirmed 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. In fact a University that recruits students successfully will also in turn aid the recruitment of staff and the retention of the existing 3,000 employees. Careful consideration will be given to which 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.

7. Furthermore the University suggest that 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.

8. 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.

9. Surrounding hotels and guest houses 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. It is therefore recommended that a restrictive condition is imposed limiting use in the summer months to students attending conferences or courses at the university. This will help to limit the impact on the vitality of the surrounding area.

#### Impact on the character and appearance of the area

10. 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).

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

12. 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."

13. 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.

14. 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 eighteen 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 .

15. 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 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.

16. 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 86% 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.

17. 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.

18. 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.

19. 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

20. 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.

21. 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 CC16 of the City Centre and University AAP and is not considered to cause significant harm to the character of the area.

22. The application will not necessitate any external changes to the appearance of the building. The high aesthetic quality of the street will therefore be retained.

#### Impact on neighbouring amenity

23. Portland Villas occupy an internal position within the university campus and do not have any adjoining neighbours. The development is therefore unlikely to have a direct impact on any properties. However, letters of representation have been received from other 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. As a result of the listed status of the properties large bin stores would be undesirable in the garden areas. 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 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.

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.

27. 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.



28. 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-hr shop is provided on campus. 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. The provision of a 24-hr shop on campus is something that may be considered as part of its continued development however it is not necessary. The campus is situated within the heart of the city and a number of late opening shops can be found in the locality.

29. 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

30. The conversion of 15-21 Portland Villas will create a total of 90 bedspaces within the 8 separate properties. Each property will have a varied layout due to the individual design of each building. Communal kitchen and lounge facilities will be located on the ground floor of each area. It is considered that the communal areas will provide an attractive environment to encourage social interaction between residents creating a friendly and welcoming environment in which to live.

31. In addition further communal facilities will be available for future residents of Portland Villas in the "Student Hub" at Hepworth House. Hepworth House is also being converted in to student housing with a total of 32 bedrooms being provided. A large proportion of the ground floor, approximately 443m<sup>2</sup>, will create the student hub which will accommodate a dining hall and kitchen facility, reception and common room, study and library space and laundrette. This will be a useful focal point for all residents in surrounding buildings and will further improve the student experience.

32. A range of bedrooms will be provided on the ground and upper floors including twin rooms and single rooms of varying sizes. The smallest rooms provided will still measure over 9 sq metres which is significantly in excess of the minimum 6.5 sq metres provided in HMO guidance. The properties will house between 6 and 18 people. Initially concerns were raised about the number of bathrooms proposed to serve the properties. However, amendments have been possible without the need to make large internal changes to the property. It is now considered that the balance of bathrooms to residents is acceptable and future residents will enjoy a good balance between communal and private 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.

### Highway considerations

34. 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 Rail Station. There are already around 1700 existing rooms in Halls of residence on the Campus and all the proposals will add a further 888 rooms or 1029 bedspaces.

35. This proposal for 90 bedspaces will involve the refurbishment of the existing Portland Villas building. Cycle storage is proposed in the order of 1 space per 3 bedspaces, 30 spaces in total which is less than required by existing policies set out in the Development Guidelines SPD which recommends 1 space per 2 bedspaces, therefore there is a shortfall of 15 spaces.

36. The Applicant points out that given the listed status of the property providing cycle parking at the required standard would be difficult without impacting on the character and fabric of the building. Therefore, in this case, it is considered that a reduction in the cycle parking standard is justified and will not detract from the sustainable, car-free approach for the campus. A condition will be imposed requesting further details of the cycle storage arrangements, this will also allow the exact positioning of the facilities to be agreed to prevent any detrimental harm to the character of the building.

37. The University operates a Drop off and Pick up strategy which allows for temporary alterations to parking arrangements 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 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 recommended to secure this amendment.

38. In addition there is a need to improve waymarking and signage around the Campus to assist students to locate nearby facilities such as the railway station and city centre. It is suggested therefore that a waymarking 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.

### Public Protection Issues

39. The Public Protection Service notes that 15 Portland Villas, which is situated at the western end of the terrace, closest to North Cross Roundabout, cannot be ventilated by open windows and meet the necessary noise standards. If windows have to be shut to meet the required noise levels then alternative means of ventilation should normally be provided. However, as the properties are listed installing trickle vents or alternative means of ventilation would not be welcomed. The noise standards will not be exceeded by a significant amount and it will be the choice of future residents whether they have the windows open. In addition, as the properties will be occupied by a transient student population, it is considered that the potential harm to occupiers' quality of life will be reduced. A noise condition is however recommended to ensure those properties that can meet the necessary standards achieve this and to ensure all avenues are explored to improve standards at No.15.

40. It is noted that the accompanying noise survey also suggests that rooms in the flank wall of 21 Portland Villas should be social spaces to prevent disturbance to future occupiers from the adjacent public house. Unfortunately given the size and listed nature of the property this is not possible. It is considered that any potential disturbance would be minimal given the limited size of the public house and lack of outside space. It is not considered that this matter could warrant refusal of the application.

41. The Red Rock Geoscience Phase I Geo-environmental Desk Study Report dated December 2012 that has been submitted with the application does not raise any concerns. The Public Protection Service is happy with its findings and therefore no further information regarding land quality is required. In addition there are no concerns regarding air quality.

### Sustainability

42. A sustainability appraisal has been submitted to accompany the application. The Local Planning Authority is happy that the report adequately addresses policy CS20 and proposal CC05 of the CCUAAP . The report details that the heating and hot water generation for the refurbishment projects will be configured so that the boiler could be replaced by a district heating heat exchanger to provide heat and hot water for the building. A condition is therefore recommended to ensure the development is designed to be compatible with a future district energy network and capable of connection.

### Other Issues

43. 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 dwellings. The proposal does not fall within this category and therefore any form of additional public consultation should be welcomed.

44. 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.

45. 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.

46. 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.

47. 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.

48. It is noted that the submitted Design and Access Statement indicates that tree works may take place to some of the trees at the front of the properties. No details have been provided and the trees do form an important feature of the setting of these historic properties. It is therefore recommended that further details are submitted and agreed with the Local Planning Authority prior to work starting on site.

#### Local finance considerations

49. 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 £103,608 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 £11,016 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 character, appearance and vitality of the area and meet the infrastructure needs of the development. 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 338-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011, Phase 1 Geo-environmental Desk Study Report ref. RP5464-B, Transport Assessment Issue 4 dated 13.03.13, Overarching Sustainable Energy Statement Issue 3 March 2013, Statement of Community Consultation, Flood Risk Assessment and Drainage Philosophy dated 12.03.13, Planning Statement Issue 3 dated 13.03.13, Archeaology and Heritage Desk-based Assessment Issue 2 dated 14.12.12, Student Drop Off and Pick Up Strategy, Office Staff Decant Strategy, Halls Handbook, Cycle Store Strategy 30.04.13, Cycle Provision 30.04.13, Code of Conduct and General Regulations for Students, Bio-diversity Overview, and accompanying Design and Access Statement with Addendum, 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-PVN--PL-GA-001, 338-PVN-PL-GA-010 Rev A, 338-PVN-PL-SITE-002, 338-PVN-PL-SITE-010, 338-PVN-PL-GA-002, 338-PVN-PL-GA-011

Reason:

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

#### STUDENT USE RESTRICTION

(3) 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

(4) 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.

## SUSTAINABILITY

(5) The site is located in the city centre where there are aspirations to provide a combined Heat and Power (CHP) system. The development should be undertaken in accordance with the approved details supplied in the Overarching Sustainable Energy Statement Issue 3 March 2013 to ensure 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 City Centre and University Area Action Plan Proposal CC05 (Enabling Low carbon Development) of the City Centre.

## HOURS OF WORK

(6) During the demolition and conversion of the development hereby permitted works must not take place outside of the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays, no works shall take place on Sundays or Bank Holidays.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## NOISE

(7) No.s 16-19 Portland Villas 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).

Further information shall be submitted to and approved in writing by the Local Planning Authority detailing the noise levels which can be achieved at No.s 15, 20 and 21 Portland Villas. Full consideration shall be given to all mitigation measures which could improve internal levels at the property to meet the reasonable and good room criteria.

### Reason:

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



## TRAVEL PLAN

(8)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.

## CYCLE STORAGE

(9)No development shall commence until details of the secure and covered cycle parking have been submitted to and approved in writing by the Local Planning Authority to allow for 30no bicycles to be stored. The building shall not be occupied until the cycle parking has been provided in accordance with the approved details and such storage areas shall remain available for their intended purpose and shall not be used for any other purpose without prior consent of the Local Planning Authority.

### Reason:

In order to promote cycling as an alternative to the private car in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy.

## PEDESTRIAN SIGNING STRATEGY

(10)Prior to commencement of development details shall be submitted to the Local Planning Authority of a signing 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 CS 28 of the Core Strategy.

## TREE WORKS

(11)Prior to commencement of development further details shall be submitted to and approved in writing by the Local Planning Authority of any works to the trees to the front of 15-21 Portland Villas. The works shall be carried out strictly in accordance with the approved details.

Reason:

In order to protect the character and appearance of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under condition 4 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 student delegates attending university 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 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.

3 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.

4 - 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.

The applicant is encouraged to maintain a dialogue with nearby 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 - 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: CONDITIONAL APPROVAL [WITH NEGOTIATION]**

(3) 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: the loss of the office/academic accommodation, the standard of accommodation provided, the impact on the fabric of the listed building, the effect on the character and appearance of the area and parking and highway safety 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 (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS14 - New Education Facilities
- CS05 - Development of Existing Sites
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- AV3 - Plymouth City Centre
- CS15 - Housing Provision
- SO9 - Delivering Educational Improvements
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012
- CCS03 - City Centre and University Area Action Plan