

# PLANNING APPLICATION REPORT



<b>Application Number</b>	14/00591/FUL	<b>Item</b>	3
<b>Date Valid</b>	22/04/2014	<b>Ward</b>	Drake

<b>Site Address</b>	HAMPTON COTTAGES, REGENT STREET PLYMOUTH		
<b>Proposal</b>	Erection of 7-storey building containing 193 student bedrooms within 36 cluster flats and 3 studio flats and ground floor commercial unit (demolition of existing buildings)		
<b>Applicant</b>	Black Rock Student Housing Unit Trust		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>22/07/2014</b>	<b>Committee Date</b>	<b>Planning Committee: 19 June 2014</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Olivia Wilson		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 19 September 2014		

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## 1. Description of site

The site is located on Regent Street which is in Drake Ward, close to the University campus. The site currently comprises two residential properties fronting onto the street adjoining a vacant office/warehouse building. There is forecourt parking to the front. An alleyway to the side leads to a rear courtyard containing Hampton Cottages, a small residential development. This backs onto a warehouse at the rear that backs onto Gilwell Place, a rear service lane off Gilwell Street. To the east of the site is a car park serving Radnor Hall, a student residence. There are more student flats on the opposite side of Gilwell Place (also part of Radnor Hall). To the west of the site is 'Studio 11' – part of Plymouth College of Art – and a Co-op foodstore with car parking to the side. To the south on the opposite side of Regent Street is Mayfair House, a development of student studio flats, which adjoins Regents Court which is a development of sheltered flats. These are the nearest non-student residential properties. There are also residential properties along Radnor Place, but several of these appear to be in use as HMOs.

## 2. Proposal description

Erection of 7-storey building containing 193 student bedrooms within 36 cluster flats and 3 studio flats and ground floor commercial unit (demolition of existing buildings).

## 3. Pre-application enquiry

None.

## 4. Relevant planning history

12/00896/FUL - Erection of 7 storey building containing 146 student bedrooms within 36 cluster flats and 14 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings) – granted.

11/01047/FUL - Erection of 7 storey building containing 193 student bedrooms within 36 cluster flats and 2 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings) – granted subject to S106 agreement.

87/02829/FUL – Change of use, alterations and extension to existing building to form three dwellings - granted.

## 5. Consultation responses

The Highway Authority notes that the proposal is similar to the current planning permission and has no objection to the proposal, subject to conditions. The public alleyway to the side of the site will need to be extinguished prior to development. This can be secured by condition.

The Public Protection Service has no objection to the application subject to conditions on land quality, noise and student use.

The Devon and Cornwall Police Liaison Officer has no objection to the application.

## 6. Representations

- 14 letters of representation have been received . These raise the following objections:
- Allowing more student flats will lead to more noise and disturbance to local residents including night-time noise and littering.
- It will be detrimental to the local residential community which is already inundated with students. The residents of Regents Court who are elderly will be particularly affected.

- Why is there need for more student accommodation? Surely there is enough already?
- The building will be taller than the surrounding buildings and will look out of character.
- There will be more pressure on car parking in the area.
- There will be disruption to residents during construction.
- The common rooms on the South side will look directly into Regents Court. Consideration should be given to relocating them.
- It is contrary to the Article 4 direction and the NPPF. Students are detrimental to the character of the area.
- Why is a retail unit required? There is already a Co-op store.

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SPD first review; Design SPD; Planning Obligations and Affordable Housing SPD 2<sup>nd</sup> review.

The main Core Strategy policies that are relevant to this application are: CS02 Design, CS05 Development of Existing sites; CS15 Overall Housing Provision, CS19 Wildlife, CS20 Sustainable Resource Use, CS28 Local Transport Considerations, CS34 Planning Application Considerations, CS22 Pollution.

## 8. Analysis

1. This is an amended scheme to two previously permitted schemes (12/00896/FUL and 11/01047/FUL). Permission 12/00896/FUL is a live permission that expires on 07/09/14. The dimensions of the proposal are similar to previous two approved schemes, and like previous schemes a commercial unit is proposed on the ground floor. The 2011 application was for the same quantity of bedspaces (193 student bed spaces within 36 cluster flats and 2 studio flats), with a main entrance onto Regent Street and ground floor commercial unit. The 2012 application was for a smaller quantity of bed spaces (146 student bed spaces within 36 cluster flats and 14 studio flats) but a similar design and layout to the 2011 scheme. Both schemes were for a 6/ 7 storey building with pitched roofs. Neither scheme had car parking.
2. This amended scheme proposes a development of 193 student bed spaces as in the 2011 approved scheme with a ground floor commercial unit. The main amendments to the previous two schemes are to the design, although layout and massing are similar.
3. The main planning considerations with this application are: principle of the use; design and impact on the street-scene; standard of accommodation; impact on neighbouring residential amenity; highways and transport; sustainability and landscaping.

### Principle of the use

4. Officers consider that the live permission (12/00896/FUL) for a 143 bed space purpose built student development and the recently expired permission for a 193 bed space development have already established the principle of purpose-built student accommodation of this scale in this location.
5. The existing uses on site include two-storey residential uses (4 dwellings in total) and two vacant industrial/ warehousing units.
6. Regent Street is located close to the University Campus and is already the location of several blocks of purpose-built student flats as well as teaching facilities. The site is bounded by Radnor Place student flats to the north and east, and Mayfair House to the south. The Robbins Centre is also close to the site. The Plymouth University Business School is located nearby on Hampton Street, while Plymouth College of Art is located nearby on Regent Street. Pitt's Memorial Hall and Studio 11 are both teaching spaces in use for higher education purposes and adjoin the site to the west.
7. The character of the area is therefore dominated by higher education uses and purpose-built student accommodation. Purpose-built student housing would therefore appear to be a suitable use for this location. The Development Guidelines SPD states that purpose-built student accommodation will be encouraged as it relieves pressure on family housing to be converted to small HMOs. It also states that it should be suitably located to minimise any negative impacts on residential amenity.
8. The site is within the Article 4 Direction area (designated in September 2012) which seeks to protect family housing from changing use to HMOs. Data shows that this section of Regents Street already has a very high percentage of student accommodation (over 70%). Three of the four dwellings currently on the site are student HMOs. The nearest non-student dwellings are at Regent Court (sheltered housing) which is located diagonally opposite the site adjacent to Mayfair House, and Radnor Place (although many of these dwellings are student HMOs). In this case the proposal is purpose-built student accommodation rather than an HMO and therefore does not come under the Article 4 Direction. Officers are also mindful that the provision of purpose-built student flats relieves the pressure on family housing, and may release some HMOs to family housing. By providing 193 bed spaces, this development could relieve pressure on about 34 small (6-bed space) HMOs elsewhere in the city.

9. Officers do not consider that there are any material planning considerations that have changed since the last permission that would affect the considerations relating to the principle of the use. Therefore officers consider that the principle of purpose-built student accommodation is acceptable.
10. The proposed commercial unit was also included in the previously approved schemes, and officers consider that its inclusion in the scheme will create an active ground floor frontage to the street.

### **Design and impact on the street-scene**

11. The scale, massing and layout of this proposal is the same as the current live permission on the site. Policy CS02 (Design) states that new development should contribute positively to an area's identity and heritage in terms of scale, density, layout and access. Officers note that new development in the immediate area is in the form of 4 and 5 storey buildings, although the Robbins Centre is 6 storeys high. The older buildings along the street are two-storey terraced buildings, although dwellings in Radnor Place are at a grander scale of 3-storeys. This development comprises 7 storeys, but the 7th storey only comprises one cluster flat and this is set back at the rear of the building so will not be visible from Regent Street. The 6th storey is also broken and not continuous across the whole building.
12. The building is 45m deep (from Regents Street to Gilwell Place); up to 21m high (stepped up from Regents St to Gilwell Place) and 21m wide. The proposed building will be higher than neighbouring buildings, but officers consider that it will still be in scale with newer development in the area. The maximum height of the building on the Regents Street elevation will be 21m (6 stories) at the eastern end. It then steps down to 17m height (5 storeys) at the western end. From Gilwell Place the building will appear as 6 storeys because the ground floor is built into the slope at this end. There is a flat roof (in contrast to the previous approved scheme which was a pitched roof). This also helps to reduce overall height. The first floor at the front (Regents Street elevation) is part cantilevered across the access to the central courtyard.
13. There is an extended vertical window feature at the eastern end of the Regent Street elevation to highlight the floor to ceiling common room windows of these cluster flats. These windows are framed in contrasting green metal cladding to stand out. This feature is repeated on the northern elevation.
14. The massing of the building is broken up by set-backs in the elevations and varying roof heights (all flat roofs) which add interest to the building and will help to reduce its visual dominance.
15. The site occupies a location that is prominent in the street scene of Regent Street but would be less visible from the wider area including the view up Hampton Street. The proposed development is arranged so that the west side of the site looks inwards to a courtyard. The prominent south elevation is close to Regent Street. However, this elevation is opposite a 5 storey residential block (Mayflower House), which is set back a similar distance from the carriageway. Therefore it is considered that the development would not be incongruously imposing in the street scene. The development sits reasonably comfortably within the context of multi-storey student accommodation in Radnor Place and Gilwell Street.
16. The street frontage to Regent Street consists of a commercial unit and a cluster flat with two bedrooms and a common room facing the street. The cluster flat is set back from the street edge by 2m, with planting in front. The commercial unit is angled to the street. The commercial unit will provide an active street frontage, and there are plenty of windows overlooking both Regent Street and Gilwell Place to provide natural surveillance to the street.
17. The main entrance to the building is on the side elevation facing west within a courtyard, and therefore hidden from the Regent Street frontage. Officers consider that although it would be preferable to have an entrance at the front, the main entrance will be visible when approaching from the west, and will be well overlooked by windows in the building, providing sufficient natural surveillance for residents. There is a fire exit at the rear onto Gilwell Place.

18. The materials proposed are as follows: the vertical window features are to be framed with green metal cladding (an aluminium composite). The bedroom windows will be framed by a reflective black metal cladding to provide another strong vertical feature, while the walls will be a white silicon render. Reflective black metal cladding is also proposed for the upper (6th) storey along the western elevation to create a visual step between Regents Street and Gilwell Place. The commercial unit will be aluminium framed glazing as will the reception entrance, while the other windows will be grey upvc. A natural stone plinth is proposed around the ground floor. Officers consider that, subject to conditions, the external materials proposed will be of a high quality and will add interest to the building and again help to break up the massing and increase legibility.
19. The landscaping proposed is a paved courtyard (details of paving can be conditioned) with soft planting to provide colour and shading, with trees proposed in pots and planters along the boundary walls along the eastern and western boundaries and along the Regents Street frontage. As the site is currently a brownfield site with little biodiversity interest, officers consider that the proposed landscaping will provide a net biodiversity gain. The two boundary walls will be lowered to a height of 1100mm on both sides. The Ecological Mitigation and Enhancement Strategy for the site can be secured by condition.
20. Overall, officers consider that the proposed development provides an appropriate, contemporary residential development that sits comfortably on the site and within its context and is an improvement on the previously approved schemes. The layout and orientation of the proposed development is a direct response to the topography and street pattern in the area and the development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) and CS34 (Planning Application Considerations) of the Core Strategy.

### **Standard of accommodation**

21. The entrance to the flats is positioned on the side (west) elevation of the building. There is a passage from Regent Street along the side boundary (currently the access route), past the entrance to the commercial unit and the bin store area into a courtyard. The reception area then provides access to lifts at either end of the building to provide access to each end of the building. Beyond the reception area is a cycle store for 40 bikes. The back of the courtyard (northern end) is at a higher level with steps up to it, leading to two studio flats. Because of ground levels, these studio flats will be partly below ground but will have sufficient natural light. There is also a studio flat behind the reception area. There is one ground floor cluster flat on the Regent Street frontage.
22. The first floor will have a bigger footprint than the ground floor at the rear of the building because of level changes. The first floor consists of 6 studio flats (two 6-bed, three 5-bed and one 4-bed). Each cluster flat has a common room/kitchen with en-suite bedrooms and some lobby space. The building is set back from Gilwell Place by 2m, stepped up to 1m set-back. The sloping nature of the site means that each floor is split level, with the central block at a lower level to the end blocks. The first floor is also cantilevered over the access route, and is built out to the edge of the site. The front elevation is set back from the street by 3m.
23. The second, third, fourth and fifth floors follow a similar layout to the first floor. The sixth floor is smaller in scale, with a cluster flat at the front (on the Regents Street elevation) and three cluster flats at the rear. The seventh floor consists of one cluster flat facing Gilwell Place.

24. Officers note that 193 student rooms is a high density of accommodation for the site, but note that this number has been previously approved (11/01047/FUL). The increase in number since the previous approved permission (12/00896/FUL) is due to larger cluster flats and fewer studio flats, thereby requiring fewer communal spaces. There are only three studio flats proposed and there are all on the ground floor. Some of the cluster flats are north-facing and therefore sunlight will be restricted, but officers consider that this is acceptable for student housing. All of the rooms will have natural light to them. All of the proposed bedrooms exceed the required minimum size standards for student rooms of 6.5 sq m. A condition can be attached to limit occupation to full time students.
25. A condition requiring the student rooms on the Regent Street elevation to meet the Good Room Criteria is considered appropriate to protect occupiers of these units from noise disturbance from the neighbouring Charles Cross Police Station. Overall, officers consider that the standard of accommodation complies with policy CS15 and the Development Guidelines SPD.

### **Impact on neighbouring residential amenity**

26. Concerns have been raised about noise, litter and disturbance arising from student use and the detriment to nearby residents. Officers understand residents' concerns, but consider that these are existing concerns linked to the already high concentration of student flats in the area and the central location of the site near the City Centre and University.
27. Officers consider that the concentration of students in purpose-built student blocks that are properly managed is preferable to the dispersal of students in smaller HMOs. A condition can be attached to require the submission of a management plan for the flats.
28. In relation to privacy and overlooking concerns, the new flats will look directly towards the flats in Mayfair House which are studio flats. The new flats will also be close to Regents Court which is sheltered housing. Officers note that the guidelines on distance standards in the Development Guidelines SPD do not refer to minimum distances in relation to windows on front elevations of buildings. Officers consider that windows overlooking the street are on public view and should not be subject to the same standards as windows at the rear of buildings. Officers also note that the arrangement of windows is no different to the previously approved scheme and live permission on this site.
29. A condition relating to opening hours for the commercial unit is considered appropriate to protect occupiers of the student flats and local residents from noise and disturbance, and a condition relating to delivery times and refuse collection. A code of construction practice is considered important to protect residents from disturbance during construction.
30. Overall, officers recognise that the proposal will add to the concentration of student accommodation in this area, but officers consider that the policy of concentration of student accommodation is in accordance with adopted policy and helps to relieve pressure on housing to be converted to HMOs elsewhere in the city.

### **Highways Issues**

31. Officers note concerns about the impact on car parking. Officers consider that the site is situated in a sustainable location for student accommodation; it is within walking distance of the city centre and university and has many local amenities nearby. It is also close to central bus services and the bus station and has good access to public transport. Cycle storage is proposed to be provided on site and for these reasons officers consider that the proposal is acceptable without car parking provision. The proposal is within a permit controlled parking zone, and the proposed flats would be excluded from eligibility for a permit. A travel plan condition can also be included to encourage sustainable modes of transport.

32. The proposals involve extinguishing the adopted alleyway serving Hampton Cottages and reinstating the kerb and footway fronting Regent Street, both of which can be conditioned. A footway is also proposed at the rear of the development on Gilwell Place, and bollards will be installed on the Regent Street frontage to prevent vehicles entering the courtyard.
33. Officers consider that the proposal is in conformity with policy CS28 and the Development Guidelines SPD parking standards.

### **Sustainable Resource Use and Biodiversity**

34. Policy CS20 (Sustainable Resource Use) of the Core Strategy requires all new residential developments of 10 units or more to incorporate on-site renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010 – 2016.
35. The application includes a renewable energy report (March 2014) for the development. In order to meet the requirements of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roof. The use of Photovoltaic panels is considered appropriate for the building with regards to visual impact and the energy savings that this technology will produce complies with the requirements of Policy CS20. The implementation of the recommendations of the report will be secured by planning condition.
36. Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. Currently, the site is totally hard surfaced and has no biodiversity value, so biodiversity enhancement at the site is relatively easy to achieve. An Ecological Mitigation and Enhancement Strategy has been submitted which officers consider can be secured by condition to provide a net biodiversity gain at the site, in accordance with the requirements of Policy CS19.

## **9. Human Rights**

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.

## **10. 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 £266,695 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.

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule.



## 10a. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- **Playing Pitches.** The development is in a location that is deficient in terms of playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved playing pitches. The estimated cost of mitigating this impact is £79,886. This will be allocated towards the improvement of playing pitches at Tothill Park.
- **Local Green Space.** By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £44,039. This will be allocated towards the improvement of local green space at Tothill Park.

A planning obligation management fee of £6,196.25 will be payable on the signing of the Section 106 obligation to meet the Council's costs in administering and implementing the agreement.

## 11. Equalities and Diversities

The ground floor has a level access, and the upper flats are accessible by lift. Individual rooms can be adapted according to individual needs.

## 12. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework Core Strategy 2007; the Development Guidelines SPD and the Design SPD and is considered to be compliant with the National Planning Policy Framework guidance. It is recommended to grant conditional approval subject to completion of a S106 obligation.

## 13. Recommendation

In respect of the application dated **22/04/2014** and the submitted drawings 1000 Site location Plan; 1999 Site and highway plan; 2000 Rev G ground and first floor plans; 2001 Rev E second and third floor plans; 2002 Rev E fourth and fifth floor plans; 2003 Rev E sixth and seventh floor plans; 2004 Rev E Roof plans; 3000 Rev B Elevations north and east; 3001 Rev B Elevations south and west; 4000 sections; 6000 Rev B Section 1 details; 6001 Section 9 details; Design and Access Statement; Renewable energy statement (March 2014); Transport statement; Drainage statement; Ecological mitigation and enhancement strategy, 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 19 September 2014**

## 14. Conditions

### DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1000 Site location Plan; 1999 Site and highway plan; 2000 Rev G ground and first floor plans; 2001 Rev E second and third floor plans; 2002 Rev E fourth and fifth floor plans; 2003 Rev E sixth and seventh floor plans; 2004 Rev E Roof plans; 3000 Rev B Elevations north and east; 3001 Rev B Elevations south and west; 4000 sections; 6000 Rev B Section 1 details; 6001 Section 9 details; Design and Access Statement; Renewable energy statement; Transport statement; Drainage statement; Ecological mitigation and enhancement strategy.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### REINSTATEMENT OF FOOTWAY

(3) The building shall not be occupied until the existing footway crossings adjacent to the site on Regent Street (now redundant) have been removed, and the length of footway reinstated.

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, and paragraph 32 of the National Planning Policy Framework 2012.

### CODE OF PRACTICE DURING CONSTRUCTION

(4) 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, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

## CONTAMINATED LAND

(5) 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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

### Section 1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

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

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

### Section 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 shall 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.

### Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

#### Section 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 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 section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

#### ACCESS

(6) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development 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, and paragraph 32 of the National Planning Policy Framework 2012.

#### EXTINGUISHMENT OF HIGHWAY

(7) No development within the public highway which serves as an access from Regent Street to Hampton Cottages shall commence until such time that an application, under the provisions of Section 247 of the Town and Country Planning Act 1990, has been submitted to the Government Office to extinguish the highway rights along the length of highway which serves as an access from Regent Street to Hampton Cottages. Furthermore no work within the public highway will be permitted until such time that the proposed extinguishment has been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## DETAILS OF BOUNDARY TREATMENT

(8) No development shall take place above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## LANDSCAPE DESIGN PROPOSALS

(9) No external landscaping works shall take place until full details of both hard and soft landscape works and a programme for their implementation and management 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: hard surfacing materials; planting plans including the location of all proposed plants and species.

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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## EXTERNAL MATERIALS

(10) No development shall take place above damp proof course level until details 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## DESIGN DETAILS

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

- i) Details of the depth of reveals to all window openings;
- ii) Details of design and positioning of roof plant including PV panels and air conditioning units.

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 policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007 and the NPPF.

## MANAGEMENT OF STUDENT ACCOMMODATION

(12) Within one month of the occupation of the accommodation hereby approved, a management plan for the operation of the accommodation, which shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

## TRAVEL PLAN DETAILS

(13) The uses hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority prior to the development coming into use. The Travel Plan shall include the following elements:-

- The provision of secure and convenient cycle parking facilities
- The appointment of a suitable on-site co-ordinator to monitor and record occupiers' progress in meeting the objectives of the plan. An initial survey of travel patterns to/from the site shall be carried out and the results, together with proposed targets for staff cycle and public transport usage and car sharing, submitted to the Local Planning Authority within six months of the development opening. A report shall be submitted to the Local Planning Authority every two years monitoring the progress of the plan and achievement of the identified targets
- Measures for enforcement of the plan, should agreed objectives and targets not be met.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

## NOISE VERIFICATION

(14) Prior to any occupation of dwellings on the south elevation of the building hereby permitted, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the aforementioned noise insulation standards are met, and 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 ACCOMMODATION

(15) The units of residential accommodation hereby approved shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), or 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).

Reason:

The accommodation is considered to be suitable for students in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012, but its occupation by any other persons would need to be the subject of a further planning application for consideration on its merits.

## PEDESTRIAN/CYCLE ACCESS

(16) The building shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided 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, and paragraph 32 of the National Planning Policy Framework 2012.

## CYCLE PROVISION

(17) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 40 bicycles to be securely parked. The secure area for storing bicycles 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:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## BIODIVERSITY

(18) The planting and wildlife provisions within the Ecological Mitigation and Enhancement Strategy (May 2014) shall be implemented with respect to the site.

Reason

To achieve a net gain in biodiversity in accordance with Policy CS19 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) and the National Planning Policy Framework.

## REPORTING OF UNEXPECTED CONTAMINATION

(19) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

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

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

Where remediation is necessary a remediation scheme must be prepared, which 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.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

## WINDOW DISPLAY

(20) A ground floor window display relating to the use of the commercial unit and/or the services provided shall be provided and maintained at all times.

Reason:

To provide an active shopping frontage. In accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

## SPECIFIED USE RESTRICTION: COMMERCIAL PREMISES

(21) The commercial premises shall be used for A1, A2 or A3 uses of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), but no cooking shall take place on the commercial premises except for the reheating of food.



Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012.

#### NOISE: GOOD ROOM CRITERIA

(22) All dwellings on the south elevation of the development hereby permitted shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. 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.

#### DELIVERY AND REFUSE COLLECTION TIMES

(23) Deliveries and refuse collections are restricted to the following times: -

- Monday to Saturday: No deliveries or refuse collection between 6pm and 8am
- Sundays and Bank Holidays: No deliveries or refuse collection

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### OPENING HOURS: COMMERCIAL UNIT

(24) The commercial unit hereby permitted shall not be open to customers outside the following times: 07:00 hours to 21:00 hours Mondays to Saturdays inclusive and 09:00 hours to 17:00 hours on Sundays and Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

## SUSTAINABILITY: RENEWABLE ENERGY

(25) Unless otherwise agreed previously in writing with the Local Planning Authority, the applicant shall implement the recommendations of the Renewable Energy Report (March 2014) regarding on-site renewable energy provision. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within the NPPF.

## Informatives

### INFORMATIVE: SPECIAL WASTES

(1) If any demolition is involved, the Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

### INFORMATIVE: NESTING SEASON

(2) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

### INFORMATIVE - DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3) The applicant is hereby advised that the management details to be submitted and agreed under condition 12 should comprise the following elements:

1 At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.

2 To employ a warden who is resident at the property.

3 To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.

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

5 The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

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

#### INFORMATIVE: MANAGEMENT PLAN

(4) With regard to the management plan, it is recommended that there is an appropriate selection process for tenants and that an appropriate anti-social behaviour clause is included in the tenancy agreement so that any anti-social behaviour or noise nuisance created by the tenants can be adequately addressed. Should a noise nuisance be created at the property, then action may be taken in line with statutory nuisance provisions under the Environmental Protection Act 1990.

#### INFORMATIVE - CODE OF PRACTICE

(5) The management plan required by condition 3 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;

- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

#### INFORMATIVE - RESIDENT PERMIT PARKING ZONE

(6) The applicant is advised that the development lies within a Resident Parking Permit scheme which is currently over-subscribed. As such, the development will be excluded from obtaining permits and visitor tickets for use within the scheme.

#### INFORMATIVE - PUBLIC HIGHWAY WORKS

(7) This planning permission does not authorise the applicant to carry out works within the publicly-maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the Public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

#### INFORMATIVE - ACCESS RIGHTS

(8) The applicant is advised that no part of the highway will be extinguished until such time that all existing access rights are resolved. Any necessary agreements must be provided in writing before the Highway Authority will support an application to extinguish the highway.

#### INFORMATIVE: SECTION 278 AGREEMENT

(9) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

#### INFORMATIVE: POSITIVE AND PROACTIVE WORKING

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

#### INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(11) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance. Index-linking may also apply.

#### INFORMATIVE: NOISE INSULATION

(12) As noise insulation works can be costly after developments are completed, it is advised that in order to meet the above criteria a noise assessment is carried out to assess the additional level of insulation required, to ensure required standards are met prior to development. This may reduce costs after the development has been completed.

#### INFORMATIVE: ACTIVE WINDOW

(13) For the purposes of condition (20), an active window is one where the activities within the property can be seen through a substantial proportion of the glazed area. It may also incorporate a subservient changeable display area to showcase the goods sold or services provided at the property.