

PLANNING APPLICATION REPORT



Application Number	15/01622/FUL	Item	06
Date Valid	10/09/2015	Ward	St Peter & The Waterfront

Site Address	MAYFLOWER HOUSE, 178 TO 184 ARMADA WAY, PLYMOUTH		
Proposal	Demolition of existing building and erection of 18-storey building comprising 490 student bedrooms with associated facilities, 2,381 sq.m office (use class B1) and 793 sq.m retail unit (use class A1/A3)		
Applicant	Guildhouse (UK) Ltd		
Application Type	Full Application		
Target Date	31/03/2016	Committee Date	Planning Committee: 10 March 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Kate Saunders		
Recommendation	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse it not met.		

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1. Description of site

Mayflower House is located on the north west corner of the junction of Armada Way and Mayflower Street within Plymouth City Centre. The site forms part of a triangular shaped block identified in the City Centre and University Area Action Plan as 'The Northern Triangle'.

The site is bordered by the Salvation Army building to the north and retail units to the east. The area in front of the building, in Armada Way is largely pedestrianised with extensive and well-established areas of landscaping. Directly opposite Mayflower House is the 1980s Armada Centre which contains a number of retail units on the ground floor with Sainsburys located above. At the rear of the site is a public car park operated by Plymouth City Council

At the northern tip of this block is the site known as Beckley Court which is currently under redevelopment to accommodate a 22-storey gateway building that will provide over 500 student bedspaces alongside commercial uses on the lower ground and ground floor.

The site is currently occupied by a four/five storey office building which has food outlets at its southern end breaking out onto Mayflower Street and Armada Way at lower ground floor level. The site slopes by approximately 4-5metres north to south across its length.

2. Proposal description

Demolition of existing building and erection of 18-storey building comprising 490 student bedrooms with associated facilities, 2,381 sq.m office (use class B1) and 793 sq.m retail unit (use class A1/A3)

The composition of the building now includes lower ground/ground floor commercial unit and ancillary student facilities, 1st and 2nd floor of office accommodation and the 4th – 18th floor as student accommodation. The 18th floor will have a greatly reduced footprint providing a communal "sky lounge" for the student occupants. The inclusion of two floors of office accommodation from the original submission has resulted in the loss of a single floor of student accommodation with the height of the building also being increased by a single-storey.

3. Pre-application enquiry

15/00810/MAJ - Student accommodation / residential / retail, ancillary car parking

A detailed pre-application was held where all elements of the proposal were discussed, which included review by the Devon Design Panel. The principle of providing student accommodation in this location was supported although concerns were raised regarding the loss of employment space.

4. Relevant planning history

10/00297/FUL - Change of use from office (Use Class A2) to retail bakery and ancillary coffee shop – Granted conditionally

09/00396/FUL - Two air conditioning units on roof – Granted conditionally

08/01320/FUL - Installation of air conditioning unit on west elevation of existing plant room – Granted conditionally

06/01868/FUL - Installation of air condenser units on roof of building – Granted conditionally

06/00921/FUL - Additional three condensing units on roof – Granted conditionally

06/00824/FUL - Change of use of part of third floor from offices to use as interview, training and administration centre for temporary period until September 2011 – Granted conditionally

04/01583/FUL - Change of use and conversion of part of first floor from offices to use within Class D1 (School of Podiatry) – Granted conditionally

04/00777/FUL - Change of use and conversion of third floor from offices to use within Class D1 (School of Podiatry) – Granted conditionally

98/00513/FUL - Cladding of rear elevation, installation of replacement windows and construction of new entrance canopy – Granted conditionally

89/01565/FUL – Replacement windows and cladding to offices – Granted conditionally

89/00544/FUL – Erection of an additional storey of office accommodation – Granted conditionally

There have been further minor applications dating back beyond 1989 however they do not have any significant bearing on the consideration of this application.

5. Consultation responses

Economic Development – Support the application

Highways Authority – No objections subject to conditions

Lead Local Flood Authority – No objections subject to condition

Low Carbon Officer – No objections subject to condition

Natural Infrastructure Team – No objections subject to conditions

Public Protection Service – No objections subject to conditions

Urban Design – Further suggested design changes have been made to the applicant who will be addressing these matters prior to Planning Committee to allow the Urban Design Officer to support the application

6. Representations

Ten letters of representation have been received and raise the following issues:

- Agree with purpose built student accommodation in City Centre but feel the development is inappropriate for this location.
- Building is too tall and scale and massing inappropriate
- Out of contrast with low level development opposite
- Finer details of the design e.g. windows, materials are unappealing
- Application should be considered by the Devon Design Review Panel
- 6 stories is considered an appropriate building height in this location
- Design is unattractive and lacks longevity
- Is there a long-term market for this type of student accommodation in the city?
- There are enough students already and this will prevent families using the Hoe due to students unsociable behaviour.
- Will dilute the good impression provided by other listed landmarks on the Plymouth Skyline
- Damage City's architectural and social character in the future
- Building will appear as a large slab when viewed from a distance
- Building is imposing and unrelenting and does not deliver the attractive composition that was envisaged
- Repetitive windows on Armada Way lack distinctiveness

- Building base does not connect well to the ground
- Should be affordable housing not student accommodation
- Employment use should be retained on the site
- The arguments that the site is no longer viable for employment use are inadequate as maintenance and investment in the building should be taken in to account
- Retention for employment use is supported by the core strategy and NPPF
- Not an oversupply of other good quality office buildings in the City Centre
- The provision of some office floorspace (not as much as the existing building) is still contrary to the economic aims of the City.
- The applicant is likely to try and convert the office space to student use.
- Tall building does not fit in with the Abercrombie Plan

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). In the case of this application, it also comprises the City Centre & University Area Action Plan.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to the determination of this application are CS01 (Sustainable Communities), CS02 (Sustainable Design), CS04 (Future Employment Provision), CS05 (Development of Existing Sites), CS06 (City Centre), CS15 (Overall Housing Provision), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).
3. The policies of most relevance from the emerging Plymouth Plan are Policy 12 (Delivering strong and safe communities and good quality neighbourhoods), Policy 15 (Meeting local housing needs), Policy 18 (Delivering sufficient land for new jobs), Policy 20 (Delivering sufficient land for new homes to meet Plymouth's housing need), Policy 29 (Place shaping and the quality of the built environment), Policy 30 (Safeguarding environmental quality, function and amenity) and Policy 42 (Improving Plymouth's City Centre).
4. The main planning considerations are the impact on employment (office) accommodation, design, impact on the character and appearance of the area, sustainability, contamination, noise and air quality. The consideration of these issues are explained in full below

Principle of Development

5. Mayflower House is an existing office building which spans approximately 33,512 sq. ft., with the majority being in use as office accommodation (B1a Use Class). The building currently supports 9 separate office tenants employing circa 150 staff within 75%, circa 23,300 sq. ft., of the available space.
6. Information has been supplied by the applicant detailing the marketing arrangements for the vacant office space. Officers are satisfied that adequate marketing has taken place but despite this approximately 25-30% of the overall floorspace has been remained vacant over the last 5 years.
7. The applicant has also sought to provide data on where existing tenants will relocate to within the City. The Local Planning Authority have been reassured that all, apart from one firm employing just two staff, have or will be relocating within the City. The majority of firms

are seeking new premises close to the City Centre with some choosing surrounding Waterfront locations.

8. Policy CS05 states that in assessing a proposal it is important to consider whether it would result in the loss of a viable employment site necessary to meet the area's current or longer term economic development needs. Officers consider that the levels of occupation within the building, which were maintained throughout the recession, are an indication that the building is a viable employment site. Therefore when the application was originally submitted without any office accommodation proposed officers raised concerns.
9. The applicant has sought to address the concerns raised and has worked in a proactive manner with officers in order to incorporate 2 floors of new "Grade A" office in to the development. "Grade A" accommodation is generally defined as the "most prestigious buildings competing for premier office users with rents above average for the area. Buildings have high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence". It has been an aspiration of the council to create a new, high quality, office quarter within the City Centre for many years.
10. Proposal CC14 of the City Centre and University Area Action Plan promoted the creation of a new office district at North Cross, centred around the Railway Station. The AAP has been adopted since 2010 and during this time no developments have come forward to support this vision. Policy 42 of the emerging Plymouth Plan also promotes the delivery of a vibrant mix of uses within the City Centre to include significant employment and office uses, including new Grade A office accommodation.
11. Office accommodation has not been delivered in the City Centre since the 1980s or earlier and as such the existing office stock is of a poor quality. The low rental levels in the office market within Plymouth have made single use office developments unattractive and unviable. Officers consider that the new office accommodation provided, as a significant component of this development, will help to attract new businesses in to the city and act as a catalyst for further office growth and development in the City Centre. The notable office entrance on Armada Way and the prominent and visible nature of the two office floors within the building will help to ensure the perception and feel of the area for employment use is strengthened.
12. Officers accept that the amount of new office space being provided, 22,400 sq. ft, is less than the level of office accommodation provided in the existing building. However taking in to account the long standing vacancies, which have been fully marketed, alongside the significant uplift in the quality of accommodation that will be delivered officers are fully supportive of the amount of office accommodation being provided as part of this scheme.
13. Discussions did take place during the course of the application to assess whether the existing building could be retained and upgraded to provide better quality accommodation. The applicant advised that whilst this would be physically possible the amount of investment that would be required made these works unviable. The student accommodation being provided as part of this proposal subsidises the creation of the highly desirable, "Grade A" office accommodation.
14. The site is situated within the area of the City commonly known as the "northern triangle". Proposal CC15 of the City Centre and University AAP supports redevelopment of the area with mixed use developments including office, residential, hotels and university uses such as student accommodation.

15. At the strategic level policy CS15 of the Core Strategy identifies that 17,250 new homes are required to be built in the city by 2021, and these are required to meet the current and future needs of the population including students.
16. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy I identifies that it is important that every student feels welcome and has access to quality accommodation near their place of study. Policy I5 supports purpose built student accommodation in the form of cluster flats and studio developments where these are in locations close to the education establishment, support wider regeneration objectives, are acceptable in terms of impact on their existing residential areas, and which provide decent accommodation with support facilities.
17. The application site is in close proximity to the main University Campus which is located just 150-200 metres away. The close proximity of this area to the University has already prompted other student accommodation to be constructed with the Unite (Discovery Heights) building on Cobourg Street and now Beckley Court which is in the early stages of construction.
18. Some of the letters of representation received on the application suggest it would be more beneficial for market and affordable housing to be provided in this locality. However whilst the Local Planning Authority is keen to encourage market housing to be delivered within the City Centre unfortunately developments of this nature are not forthcoming at present.
19. The implementation of planning permissions for purpose built student accommodation will however help to release market housing from the residential areas surrounding the University such as Mutley and Greenbank. The Local Planning Authority does have Council Tax data which demonstrates that there has been a reduction in the number of dwellings occupied by students, year on year, since purpose built accommodation has been delivered, and will be looking to publish this data in the summer of 2016 as part of a housing topic paper.
20. If these developments are not supported through planning policy then there would be a greater impact on the existing housing stock as the need generated from the student population would have to be met through existing housing.
21. The supporting Design and Access Statement highlights the strong need for further student housing in the City. The employment report prepared by Savills advises that currently only around 20% of students within the City can be provided with purpose built accommodation in either university halls or with private companies. Even taking in to account anticipated pipeline development this figure rises to around 29-33% which is still considerably below the UK average in respect of this provision at 40%.
22. The applicant has advised that whilst they are confident that there will continue to be a strong market for this form of student accommodation in the City into the future the construction of the building will allow for conversion to general residential accommodation if required.
23. The building is a framed structure; permitting maximum flexibility for both external and internal wall build up and location. The concrete frame incorporates a flat slab; this provides flexibility for future redistribution of services while maintaining the required degree of structural, fire and acoustic protection relevant for general residential uses. Furthermore the

floor to floor and floor to underside of slab heights permit flexibility for reversion to standard residential use in future.

24. All the above factors provide the level of flexibility required to facilitate any potential future conversion of the student accommodation to standard residential use, whether affordable housing or standard private residential.
25. The proposal results in the creation of a modern, high-quality, mixed use development that aligns with existing policy requirements. Officers consider that the further intensification of this part of the City Centre will positively benefit the function and vitality of the area. The increased footfall from both the commercial and residential elements of the development should help support other services creating further diversity and activity throughout the day and into the evening.
26. Officers consider that the mixed-use nature of the development is fully compliant with Policy CS05 and CS15 of Core Strategy alongside Proposal CCI5 of the City Centre and University AAP.

Housing Provision

27. When determining applications for residential development it is important to give consideration to housing supply. It should be noted that this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats).
28. Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”
29. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
30. For the reasons set out in the Authority’s Annual Monitoring Report (January 2015) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.
31. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
 - Available to develop now
 - Suitable for residential development in terms of its location and sustainability; and
 - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

32. Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.
For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - 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, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”
33. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.
34. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

Design

35. The application has gone through a detailed pre-application process where officers carefully considered the scale and massing of the building.
36. At pre-application stage the proposals were also considered by the Devon Design Review Panel. The proposals were at an early stage of production and the panel simply provided comments on the overall scale and massing of the development. The Panel welcomed the principle of the use and the intensification of the density in this particular urban block. They also supported the applicant’s aspiration to improve the quality of the built environment in this part of the City Centre. The Panel were keen to ensure that the proposal was being considered in the context of wider plans and aspirations for the City Centre. Officers are able to confirm that they are satisfied that the development is in keeping with future aspirations for the City Centre that are being progressed through Part Two of the emerging Plymouth Plan.
37. The letters of representation received raise concerns about the siting of such a tall building in this location. The site is located within the intensification part of the Tall Building Zone of Opportunity as set out in the adopted Core Strategy, Design SPD and City Centre & University AAP . It is advised that the zone of opportunity “can be punctuated at appropriate locations with tall buildings”. This followed the Mackay Vision which set out a “mini Manhattan” approach for the City Centre, the idea being to create a critical mass of population density here and support wider regeneration.
38. The tall building strategy for the city is already being delivered within the “Northern Triangle” with Beckley Court, which will be the City’s tallest building, currently under construction. Furthermore a number of other high quality tall buildings are located on the University Campus just a short distance away.

39. It is considered that a tall building can be justified on the site in principle, provided it is of the highest quality. The height of the proposed building is considered acceptable as it has a positive relationship with the scale of Armada Way, which is about 59m wide at this point and supports the adopted planning policy aspiration to intensify activity and living within the City Centre. The height is also justified on the basis that it marks a key townscape corner at the junction of Armada Way and Mayflower Street. Furthermore the building is sufficiently distant to not have a significant impact on the most valuable 20th Century historic buildings in the Beaux-Arts “Abercrombie Estate”.
40. The City Centre is characterised by buildings with a strong horizontal emphasis in massing and elevation patterns. The proposed building echoes this and the three dimensional form of the building is supported. The tapering soffit and parapet form of the primary Armada Way volume – echoing the wedge-like plinth below - is considered a simple, but elegant gesture.
41. The applicant has worked with the Local Planning Authority to continue to improve the quality of the design through the course of the planning application and a number of positive changes have already been secured.
42. A curtain walling system will be utilised to add the office “insert” to the building and this is characteristic with other development in the locality, including the mixed use British Legion office and student accommodation building opposite. The large levels of glazing will provide natural surveillance for the street and highlight the significance of the office element of the development within the building.
43. A number of amendments have also been made to the Armada Way frontage, increasing the levels of glazing to the common rooms and introducing oriel windows to the studio units. The proposed colour of the metal cladding system has also been amended following feedback from officers to reflect the colours found within Plymouth Limestone.
44. The commercial unit has also been increased in size in order to deliver maximum active frontage on the key corner of Mayflower Street and Armada Way. The enlarged commercial unit will positively address the street and encourage a greater level of activity in this slightly quieter area of the City Centre
45. The changes made to the key frontage along Armada Way provide greater modelling and interest to the elevation. However it is considered that given the buildings monumental scale further modelling would positively enhance the scheme.
46. Urban designers advised the applicant that further changes to the scheme should be given careful consideration. The amendments highlighted below include further changes to the Armada Way elevation as well as addressing the blank wall on the rear elevation.
47. The primary change would involve the relocation of the north common room to the end of the north wing. A frame would then be formed by the larger glazed common room windows at either end of the building which could be filled by a simple grid of oriel windows extending across the remainder of the Armada Way elevation, rather than just being limited to the studio units. It is considered this change will simplify and enhance the modelling of the primary frontage of the building. The extended use of Plymouth Limestone across the entire plinth of the building is a further request to enhance this elevation.
48. The current plan also proposes a blank wall to the rear elevation which the applicant has incorporated in order to avoid preventing future redevelopment of the wider block. However urban designers consider that subsequent developments along Mayflower Street are

unlikely to extend beyond approximately 6 stories in height and therefore windows could be installed above the 8th floor.

49. At the time of writing this report it has been confirmed that the further design changes highlighted above will be incorporated within the development and amended plans will be provided at the earliest opportunity. An update will be provided to the committee through an addendum report.
50. The red line of the application is focussed only on the areas under the applicant's ownership. However the applicant has acknowledged that in order to construct the proposal a wider area will be needed. Separate agreements will be required with the Highways Authority and the Land and Property Team to approve these details.

Standard of Accommodation

51. The development will provide a range of accommodation in the form of various sized cluster flats and individual studios to appeal to a full range of students from first years to postgraduates.
52. The applicant has been informed by student housing experts within Savills who are aware of the requirements of modern students and what facilities they require. The development therefore provides a full range of support facilities including a dedicated reception, large scale amenity space on the upper ground floor alongside a gym, laundry and cycle storage. Furthermore an additional amenity space will be provided on the top floor with an associated roof garden which will benefit from outstanding views towards the Hoe.
53. All the student bedrooms will be of a good size, exceeding sizes within recommended Council guidelines, and will house all the required facilities. The cluster flats will be served by their own kitchen/living areas which will have high levels of glazing and will be welcoming to future occupiers.
54. Officers consider the accommodation will be of a high standard and will be in accordance with Policy CS15 of the Core Strategy.

Highways

55. The application site is situated in a sustainable location in the City Centre, on the corner of Armada Way and Mayflower Street, and backs onto a public car park (Mayflower Street northeast), The application traffic assessment indicates the change of use from offices to a student use would result in an associated change in the traffic impact, with an increase in pedestrian traffic and a decrease in vehicle traffic.
56. The main pedestrian access to the student accommodation would be from Armada Way, with a secondary access to the rear public car park. The new development would not include the existing portico area and ramp, which would be removed, the area of which may revert to or be re-adopted/adopted as public highway.
57. The floor area of the lower ground and ground floor commercial use would be increased to 793 sqm, with the primary access from Mayflower Street and staff and operational access and egress from the rear car park. Bin storage and a delivery service area would be provided at the rear of the building, accessed via the public car park, where the perimeter road is adopted public highway. The delivery and service area is intended to be used primarily for the

proposed commercial space but could be used by the student accommodation as and when necessary, for example when students are moving in or out of the building.

58. The development would include just three car parking spaces, two of which would be allocated for use by disabled drivers, all allocated to the student accommodation. Cycle storage would be provided within the lower level of the building to encourage the use of cycling as a sustainable means of travel. 182 cycle spaces, about a third provision, would be provided which officers consider is acceptable given the City Centre location where a high number of walking trips would be likely.
59. A Travel plan has been submitted as part of the planning application, with the intention of encouraging the use of more sustainable means of travel, and would be operated as part of any planning consent and this is to be welcomed.
60. The Highways Authority note that the demolition and redevelopment of the site including the new foundations would cause significant and considerable disruption to public realm and highway on three sides, in Mayflower Street, Armada Way, and in the rear public car park access road. Therefore it is considered the developer would need to enter into a Section 278 Agreement with the Council as Highway Authority, to enable the redevelopment of the site and the reinstatement of the public realm and highway and this matter will be highlighted to the applicant by means of an informative.

Land Quality

61. A preliminary risk assessment report (Wardell Armstrong Phase I Desk Study, August 2014, Report No: LO10379/R001) has been submitted in support of the planning application. The consultant recommendation is for further intrusive ground investigation.
62. The consultant recommendation and proposals are agreed and as such, conditions are recommended to support the required further site characterisation work, plus any other remediation and verification work that may subsequently also be necessary.

Noise/Air Quality

63. The application has been supported by an Air Quality Assessment produced by Ramboll Environ and a Noise Assessment Report by Wardell Armstrong. The findings of both reports are supported which consider the potential “worst Case scenarios” when making recommendations for the proposal. Appropriate conditions will ensure the residential accommodation meets internal noise standards and a code of practice will suitably control dust and noise from the construction process.
64. Further details are also requested of the Combined Heat and Power plant in order to accurately assess and respond to the use of this equipment.

Sustainability

65. The development proposes a gas-fired 79kW thermal Combined Heat and Power (CHP) unit to meet approximately 50% of the space heating and 70% of the hot water annual energy demand in all student accommodation spaces. The proposed design solution also allows for future connection to an area wide heat network, and space will be reserved within the building plant room for installation of a heat exchanger. The provision of this equipment results in the development achieving a 13.5% carbon saving. The additional 1.5% carbon saving will be achieved through the installation of solar panels.

66. The proposal therefore meets the policy requirements of CS20 alongside the key aspirations of proposal CC05 of the City Centre and University AAP. It is noted that an off-site contribution could have been secured in lieu of direct provision of the solar panels to use towards the development of the network however this is not considered essential.

Biodiversity

67. The application is supported by an ecological appraisal that conforms to necessary guidelines. It has been identified that the building has no potential for roosting bats and no further surveys are required. Whilst the report also suggests the building is not suitable to support nesting birds officers consider that certain species, such as urban gulls, may find it attractive. Therefore if demolition works are scheduled to take place during the bird breeding season (March to August inclusive) then a nesting bird survey will be required within 24 hours prior to the commencement of works.

68. The appraisal also suggests that ecological enhancement of the building cannot be achieved given the proposed type of cladding and overall scale of the development. In order to comply with Policy CS19 of the Core Strategy a net biodiversity gain must be achieved and officers consider this is achievable through relatively small scale enhancements. A condition will therefore be required to agree and secure these improvements

Drainage

69. The application has been supported by a flood risk and drainage strategy which has been informed by the surface water hierarchy. The applicant proposes to attenuate surface water in an underground tank prior to discharge to the combined sewer which has been agreed by South West Water.

70. Surface and foul water will be stored separately as this will allow a possible future connection of the surface water into the existing or a new surface water system. A pre-commencement condition will be required to agree specific details of the surface water drainage system.

71. This approach is in compliance with Policy CS21 of the Core Strategy

Other Issues

72. The site is not in close proximity to traditional residential housing and in general the letters of representation received support the principle of student accommodation in this location. Despite the lack of concern about placing student housing in this location a management plan will be requested by condition to ensure the building is appropriately managed and does not have a detrimental impact on the quality of the surrounding area.

73. The inclusion of the roof garden also warrants careful management however officers accept that this will be set in from the edges of the building and will be contained by a 2-metre high glass screen. This will prevent risks being posed to either future occupiers or members of the public who may be passing by in the street below.

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

The provisional Community Infrastructure Levy liability (CIL) for this development is £0 as the development falls within the zero rated City Centre Zone.

11. 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:

- £217,589 for the provision and maintenance of junior playing pitch facilities at Central Park

The applicant has agreed to pay the playing pitch contribution in full which will help to provide improved facilities for potential occupiers alongside existing residents of the City. Local greenspace contributions had also been requested towards improvements at Victoria Park but given the distance of this site from the development officers consider this contribution does not meet the requirements of Regulation 122 as it would not be directly related to the development as future occupiers of the development would be unlikely to use Victoria Park.

12. Equalities and Diversities

The building will incorporate a new commercial unit and office space which will be fully accessible. The student accommodation will also be provided in different formats to appeal to both undergraduate and postgraduate students of various backgrounds.

Furthermore the provision of purpose built student accommodation is likely to result in the release of traditional family accommodation within the City which will benefit a huge range of people looking for properties to both rent and purchase.

13. 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. The development will create a high quality, mixed use development that will positively address Armada Way and generate further activity enhancing the vitality and function of the area.

The City has desired and sought to encourage the creation of a new, grade A office district within the City Centre for many years and officers consider that this development could act as the first building block in its creation

The university continues to be key economic driver for the City and its continued success means that suitable accommodation must be secured and delivered for its students. This development will provide high quality, managed accommodation in a location within the City Centre where further activity throughout the day is desired. The development will help to ensure the impact of students on traditional residential areas is reduced as existing housing stock is converted back in to family housing.

The design of the building has been enhanced and improved throughout the application process and further amendments are in the process of being secured in order to ensure this development will have a positive impact on the City's townscape for many years to come.

This mixed use development will have significant positive benefits for the City and accords with relevant local and national planning policy and is therefore recommended for approval subject to the signing of a S106 agreement.

14. Recommendation

In respect of the application dated **10/09/2015** and the submitted drawings A-00-001 - Site Location Plan, A-00-003 - Existing Floor Plans, A-00-004 - Existing Elevations, A-00-102 B - Proposed Lower Ground Floor Plan, A-00-103 B - Proposed Upper Ground Floor Plan, A-00-200 - Proposed Lower Office Floor, A-00-201 - Proposed Upper Office Floor, A-00-202 - Proposed Plans Floor 3, A-00-104 B - Proposed Plans Floors 4-14, A-00-105 B - Proposed Plan Floor 15, A-00-106 B - Proposed Plan Floor 16, A-00-107 B - Proposed Plan Roof, A-00-002 -A Existing and Proposed Street Elevations, A-00-101 B - Proposed Elevations, A-00-110 B - Proposed Long Sections, A-00-111 B - Proposed Cross Sections, Habitat Plan LO10379-002, Transport Assessment Project No. 15-229-01, Travel Plan Project No. 15-229, Delivery and Service Plan Project No. 15-229-03, Energy Strategy Project No. 1620000885, Preliminary Construction Management Plan Ref: 42332/rjw/February 2016 (V4 - Final), Ecological Appraisal Job No.LO10379 Report No. 001, Noise Assessment Report Job No.LO10379 Report No. 002, Phase I Desk Study Job No. LO10379 Report No. 001, Site location and search area LO10379-001 Flood Risk and Drainage Statement Job No.LO10379 Report No. 002,it is recommended to: **Grant conditionally subject to S106 Obligation**

15. Conditions

CONDITION: 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 due to the need to accelerate housing delivery in accordance with Strategic Objective 10(8) (Delivering Adequate

Housing Supply) of the Local Development Framework Core Strategy and Policy 46 of the Plymouth Plan

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-00-001 - Site Location Plan, A-00-003 - Existing Floor Plans, A-00-004 - Existing Elevations, A-00-102 B - Proposed Lower Ground Floor Plan, A-00-103 B - Proposed Upper Ground Floor Plan, A-00-200 - Proposed Lower Office Floor, A-00-201 - Proposed Upper Office Floor, A-00-202 - Proposed Plans Floor 3, A-00-104 B - Proposed Plans Floors 4-14, A-00-105 B - Proposed Plan Floor 15, A-00-106 B - Proposed Plan Floor 16, A-00-107 B - Proposed Plan Roof, A-00-002 -A Existing and Proposed Street Elevations, A-00-101 B - Proposed Elevations, A-00-110 B - Proposed Long Sections, A-00-111 B - Proposed Cross Sections, Habitat Plan LO10379-002

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.

Pre-commencement Conditions

PRE-COMMENCEMENT: CONTAMINATED LAND

(3) 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.

Justification for pre-commencement

To ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-COMMENCEMENT: 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 Code of practice must

comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed. 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 .

Justification for pre-commencement

To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

PRE-COMMENCEMENT: SURFACE WATER DISPOSAL

(5) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification for pre-commencement

To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

Pre-DPC Level Conditions

PRE-DPC LEVEL: BIODIVERSITY NET GAIN

(6) Prior to reaching DPC (damp proof course) level further details shall be submitted to and approved in writing by the Local Planning Authority detailing how the development will achieve a biodiversity net gain. The development shall be carried out in accordance with the approved details prior to occupation of the development.

Reason:

To deliver net biodiversity gain in accordance with Policy CS19 of the Core Strategy and NPPF paragraphs 109 and 118.

PRE-DPC LEVEL: EXTERNAL MATERIALS

(7) Prior to reaching DPC level 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.

PRE-DPC LEVEL: OFFICE SPECIFICATION

(8) Prior to reaching DPC-level full details of the office accommodation shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of:

- quality internal finish.
- ability to remodel the internal space.
- Integrated heating and cooling i.e. air-conditioning.
- High Speed Broadband access
- Space either above the ceiling or below the floor to accommodate the latest technological systems.

The works shall be carried out in accordance with the approved details.

Reason :

In order to ensure the quality of the office accommodation meets "Grade A" requirements and secures regeneration benefits in accordance with Policy CS05 of the Local Development Framework Core Strategy (2006-2021) 2007 and advice in the NPPF.

Pre-occupation Conditions

PRE-OCCUPATION: PROVISION OF PARKING AREA

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(10) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 182 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.

PRE-OCCUPATION: SERVICING AREAS

(11) Before the building hereby permitted is first brought into use, the rear servicing area shown on the approved plans shall be made available for use and shall not thereafter be used for any other purpose.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies

CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION: ACCOMMODATION MANAGEMENT

(12) None of the rooms hereby permitted shall be occupied until details of the arrangements by which the accommodation is to be managed have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, 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.

PRE-OCCUPATION: SUSTAINABILITY

(13) The development shall be completed in accordance with the Energy Strategy dated February 2016, prepared by Ramboll. This proposes the use of a gas-fired 79kW thermal Combined Heat and Power (CHP) unit and a photovoltaic array of 43kWp. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

The on-site renewable energy production methods shall be provided in accordance with the energy strategy 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 is in accordance with Policy CS20, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

PRE-OCCUPATION: MAINTENANCE SCHEDULE

(14) Prior to occupation of the development hereby approved a maintenance schedule for the building shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include full details for regular maintenance and cleaning and of the elevations. The schedule shall be operated for the lifetime of the development unless a variation to the schedule is agreed.

Reason:

In order to ensure the building is maintained to a high quality and continues to positively contribute to the townscape in accordance with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the NPPF.

PRE-OCCUPATION: CHP SPECIFICATIONS

(15) Prior to occupation of the building the developer shall submit for written approval by the Local Planning Authority, a report detailing specifications of the Combined Heat and Power plant including proposed fuel etc, demonstrating that it is safe, will meet air quality objectives and will not be dispersed into any part of the building which could negatively impact human health.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including emissions to air and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

PRE-OCCUPATION: NOISE STANDARDS

(16) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 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.

Prior to any occupation of dwellings, the developer shall submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria. The developer shall ensure a number of monitoring locations are included in the report including but not limited to flats on the first floor.

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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Other Conditions

CONDITION: STUDENT USE

(17) 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 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 to comply with policy CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the National Planning Policy Framework 2012 .

CONDITION: BEDROOMS

(18) No more than 490 rooms at the property shall be used as bedrooms. Only the rooms shown as "bedrooms" or "studios" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: SPECIFIED USE RESTRICTION

(19) The office accommodation provided on the 1st and 2nd floor of the development hereby approved shall be used for Class B1a and for no other purposes (including any other purpose in Class B1 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).

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.

CONDITION: ACTIVE COMMERCIAL WINDOW

(20) The commercial unit hereby approved on the lower and upper ground floor shall retain an active window free from any applied vinyl advertisements, curtains, display stands or any other features that could restrict views in to the premises at all times, unless otherwise previously agreed in writing.

Reason:

To maintain the character and appearance of the existing 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.

CONDITION: ROOF PLANT

(21) No additional roof plant, masts railings or other roof accretions shall be added to the building without the written consent of the Local Planning Authority.

Reason:

In order to ensure the building is maintained to a high quality and continues to positively contribute to the townscape in accordance with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the NPPF.

CONDITION: TRAVEL PLAN

(22) From first occupation of the building the Travel Plan by Odyssey Markides LLP dated February 2016 shall be operated. The 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. The name and contact telephone number of the appointed Travel Plan Co-ordinator shall be provided to the Local Planning Authority on occupation of the building. .

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, 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.

CONDITION: ODOUR FROM MECHANICAL EXTRACT VENTILATION

(23) Prior to the installation of any mechanical kitchen extract ventilation system, a scheme for the installation of the equipment to control the emissions of fumes and smell from the premises shall be submitted to and approved in writing by, the local planning authority and the approved scheme shall be implemented and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007

CONDITION: NOISE FROM KITCHEN EXHAUST AND AIR CONDITIONING

(24) Prior to the installation of any mechanical kitchen extract ventilation system or air conditioning system, information on the equipment and installation scheme, including methods to reduce any noise caused by the operation of any proposed extract ventilation system or air conditioning system shall be submitted to and approved in writing, by the Local Planning Authority. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property. The approved extract ventilation system and air conditioning system shall be implemented and installed and thereafter be operated and maintained in accordance with the manufacturers' instructions.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and/or air conditioning system and avoid conflict with Policy CS22 of the Plymouth Local development framework Core Strategy (2006- 2021) 2007

CONDITION: DELIVERY/COLLECTION HOURS

(25) No deliveries or refuse collections shall be taken at or dispatched from the site outside the following hours; 08.00 until 18.00hrs Monday to Saturday; nor at any time on Sunday, Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and to comply 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.

CONDITION: OPENING HOURS

(26) Any non-residential uses within use classes A1 or A3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted shall not be open to customers outside the following times: 0600 - 2300 hours Monday - Sundays including Bank or Public Holidays.

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.

Informatives

INFORMATIVE: [£0 CIL LIABILITY] DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) 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 (if applicable) see www.plymouth.gov.uk/cil for guidance.

INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]

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

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) 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: PUBLIC HIGHWAY APPROVAL

(4) 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: KITCHEN LAYOUT AND DESIGN

(5) There are many legal requirements that influence the layout and design of a food premises. The applicant is advised to contact the food safety and standards team prior to the installation of any equipment in any food rooms to ensure that it meets with the minimum requirements of the hygiene regulations.

INFORMATIVE: DRAINAGE

(6) The drainage in a food preparation area should be fitted with a grease separator in line with Building Regulations Approved Document H and prEN 1825-1:2004, designed in accordance with prEN 1825 - 2:2002, or other effective means of grease removal.

INFORMATIVE: TOILET FACILITIES

(7) Toilet and hand washing facilities must be provided for use by customers as well as staff as laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the numbers of facilities required in each unit based on the number of covers and staff. The facilities must be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

INFORMATIVE: NESTING BIRDS

(8) If demolition works to the building are scheduled to take place during the bird breeding season (March to August inclusive) then a nesting bird survey will be required within 24 hours prior to the commencement of works. The survey should be undertaken by a suitably qualified ecologist and will need to conform to CIEEM guidelines.