

# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/02137/FUL	<b>Item</b>	06
<b>Date Valid</b>	11/01/2016	<b>Ward</b>	Compton

<b>Site Address</b>	BELGRAVE SNOOKER CLUB, 2 BELGRAVE ROAD PLYMOUTH		
<b>Proposal</b>	Demolition of existing snooker hall and erection of student accommodation (43no. Bedrooms – Sui Generis use), with 6no. Parking spaces and associated works		
<b>Applicant</b>	JMP Integrations Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>31/07/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 07 July 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Christopher King		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if S106 is not signed by the target date or other date agreed through an extension of time.		

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2016 Scale 1:1250

## 1. Description of site

The Belgrave Snooker Club (No.2 Belgrave Road) is located within residential streets to the east of Mutley Plain, and sits prominent on the corner of Belgrave Road and Mutley Plain Lane. This three-storey building was originally built in 1908 as a cinema and was known as the Belgrave Electric Theatre. The footprint of the Belgrave Snooker Club occupies almost the entire area of the site, and offers no existing means for parking vehicles off of the highway, and there is only a small area of amenity space at the front (north) of the site.

Running North to South, along the western flank of the application site, Mutley Plain Lane provides access to the rears of numerous buildings, all of which front directly onto Mutley Plain itself, and include a wide range of uses, including residential, business/commercial and retail. Also accessed from Mutley Plain Lane, the rear of the Belgrave Snooker Club backs onto a service lane, which provides clear access to the rear of almost all the properties along Belgrave Road and Lisson Grove. The south west corner of the building that fronts onto the service lane is a single storey, flat roof section that wraps around the rear curtilage of No.4 Belgrave Road.

## 2. Proposal description

This planning application proposes the demolition of the existing Belgrave Snooker Hall (Use Class D2) and the erection of a student accommodation building to provide 43 bedrooms (Sui Generis use), with 6 parking spaces and associated works. The accommodation is purpose built for the international student market.

The accommodation and facilities are split over 5 floors, and is laid out in the following configuration:

### Basement

- Two tier bike rack for 44 bicycles, plant room and residents laundry

### Ground Floor

- Office, reception and on site managers accommodation (22m<sup>2</sup>)
- Six (6) Ensuite Studio Flats ranging from 21m<sup>2</sup> to 25.5m<sup>2</sup>
- Parking for 6 vehicles and residents bin store

### First Floor and Second Floor

- Twenty Six (26) Ensuite Studio Flats ranging from 18m<sup>2</sup> to 36m<sup>2</sup>

### Third Floor

- Ten (10) Ensuite Studio Flats ranging from 20m<sup>2</sup> to 26m<sup>2</sup>

The proposed building will use the same footprint as the existing building however the new building will be taller with an increase in overall maximum height when measure from street level. The existing patio area to the front of the building (north) will be remodelled to provide level access into the building, along with some minor soft and hard landscaping.

## 3. Pre-application enquiry

The site has been the subject of numerous pre applications. Two were submitted in 2014 (14/02027/MIN and 14/02051/MIN) which proposed a development smaller in size than the current proposal and was submitted in 2015, and advice finalised in August that year (15/01403/MAJ).

The pre application that was submitted in 2015 proposed demolition of the existing Belgrave Snooker Club and the redevelopment of the site to provide purpose built student accommodation comprising of 47 bed spaces. The principle of the proposal was accepted by officers; however concerns were raised regarding design and layout.

Officers advised that the Planning Authority would prefer to see the front elevation of the building retained, and that parking should be provided within the development. Officers also requested communal rooms to be positioned evenly throughout the building, and for the proposal to provide landscaping to the front to screen the proposed bin stores. This advice was given without prejudice to any future consideration of an application.

#### **4. Relevant planning history**

No relevant planning history for members to consider with regards to this planning application

#### **5. Consultation responses**

Economic Development Department – No Objections to the loss of the snooker club

Historic Environment Officer – Objected to the initial proposal, however has indicated that the revised plans are more acceptable. No formal comments received.

Housing Service Private Sector – No Objections

Lead Local Flood Authority – No objections subject to conditions relating to detailed design of drainage scheme

Local Highways Authority – No Objections subject to conditions relating parking management, travel plan, cycle store and construction

Low Carbon Team – No Objections subject to conditions relating solar panels

Natural Infrastructure Team – No Objections subject to conditions relating to landscaping

Plymouth University – No objections

Police Architectural Liaison – No Objections subject to conditions relating to security of the undercroft parking at the rear

Public Protection Service - No Objections subject to conditions on noise and contamination

South West Water – No Objections

Sport England – No Objections

Urban Design Officer – No Objections subject to conditions relating to materials

#### **6. Representations**

Members are advised that there was a public consultation event held at the Belgrave Snooker Club prior to the submission of the planning application where members of the public and other interested parties were able to view the plans and speak to the applicant about the proposal. Statement of Community Involvement has been submitted as part of the application documents.

Following the submission of the full application, twenty (20) letters of representation have been received; Eighteen (18) of which object to the proposal, one (1) that provides observations, and one (1) that supports the proposal. The letters of objection have raised the following issues with planning application:-

- Loss of a beautiful building, and the proposed design is poor, and not in keeping with the character of the area, and is too big for the site
- Travesty to lose yet another local landmark
- The building should be retained for public use, as the community do not want to see assets such as this turned into student accommodation – this building should be retained as a community asset

- Will negatively impact the local community with the loss of another social venue, and too many clubs are being closed so there will be nowhere for people to socialise
- Insufficient parking
- The plans have changed significantly, and are not in keeping with what was demonstrated at the public consultation events
- The developer has not considered the local residents when designing this proposal
- Will give rise to antisocial behaviour
- The council should hold another public consultation event
- This snooker club is the only venue capable of holding tournaments in the city, so if it closes, Plymouth loses out to Exeter
- There is not an excess of snooker clubs in the city, and no new ones are provided so this could impact future generations of snooker players as many of the clubs are closing or are for sale
- The proposal is contrary to policy
- The proposal will have adverse effects on private rented housing in the area
- Parking permit issues
- This is not the right location for student accommodation
- The whole area, is fast becoming a student ghetto
- Large student projects are already being built in the city, so why do we need more?
- Permanent residents are paying council tax to clean up after students
- Why can't the proposal provide affordable housing?

The one (1) letter of support has made the following comments to support the planning application:-

- The area has suffered due to a lack of interest and population moving into the area
- The proposal will help the area become a popular place to live, shop, eat and drink again
- Our business relies heavily on the student population

Following the significant number of objections from residents and concerns from of the Local Planning Authority, the applicant has sought to address these through a re-design of the proposal. The LPA therefore re-advertised the application for a further 21 days of public consultation by way of site notices, press add and writing to residents. During this consultation period, an additional six (6) letters of representation were received, all objecting to the proposal, however no new issues have been raised.

## **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 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 2<sup>nd</sup> Review Supplementary Planning Document*

#### 5 year housing supply

When determining applications for residential development it is important to give consideration to housing supply. (Note: this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats)

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”

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.”

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.

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.

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"

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.

## 8. Analysis

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.

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. This application turns on the following policies of the Local Development Framework Core Strategy:-

CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS04 (Future Employment provision), CS05 (Development of Existing Sites), CS11 (Changes of Use in District and Local Centres), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS32 (Designing out Crime), CS33 (Planning Obligations) and CS34 (Planning Application Considerations).

3. The proposal will also be considered against the following policies contained within the Emerging Plymouth plan Part One:-

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 28 (Promoting Plymouth's heritage), Policy 29 (Place shaping and the quality of the built environment) and Policy 30 (Safeguarding environmental quality, function and amenity).

4. In addition, this application also turns on the National Planning Policy Framework 2012 and the Development Guidelines Supplementary Planning Document.
5. The principle issues relating to this application are considered to be impact towards neighbouring residential amenity, design and character of the building, and impact towards local employment and employment land.

#### Principle of Development – Change of Use and Demolition

6. The principle of the change of use from the Snooker Club to Purpose Built Student has been supported by extensive documents indicating that the current use is no longer viable, and that the proposal would in fact meet the needs of the city with regards to providing purpose built accommodation for the international student market.
7. Some of the letters of objection criticise the loss of the club for negatively impacting the provision for the community and in the city. The applicant has indicated that many of the snooker players do not live within the Mutley area and is not heavily used by local residents; however formal evidence has not been supplied. Officers can advise however that as the Snooker club is not formally recognised as a community asset/facility, and the Sustainable Neighbourhood Assessment does not seek any specific protection for the site, and as such, is contrary to the letters received.
8. Appendix 4 of the Planning Statement advises the council that there are 4 other snooker clubs within the city, including The Plaza, which is within 1 mile of the application site at 36 Bretonside, which is also owned by the applicant.
9. A number of objections have been received suggesting that the loss of the snooker hall would be detrimental to the community, however officers consider that the change of use to student accommodation in this location would accord with policy CS05, and would not be contrary to policy CS01 or CS11 of the core strategy as the loss of the D2 use would not prejudice the vitality or principle function of the area.
10. Members should note that Sport England were consulted, and made no objections to the loss of the snooker facilities.

11. The buildings itself is a large, simple structure that was originally built as an electric theatre. Most of the historical and architectural merit is within the front (north) elevation; and is quite different to the remainder of the buildings within the street with regards to scale, massing and detail, although there is some architectural reference to buildings along Mutley Plain
12. Whilst the Council's Historic Environment Officer initially objected to the demolition, evidence has been provided to show that its retention as part of a redevelopment would be structurally unviable. Officers have taken into consideration that the building is not listed, nor does it sit within a conservation area. Furthermore, having undertaken an internal inspection, there are very little remaining historic features that would prevent its demolition also.
13. Based on the information that has been provided to officers, it is considered that on balance, the loss of this building and its current use is acceptable in accordance with policy CS03, CS05 and CS11 of the Core Strategy enabling the redevelopment of the site to assist in the aims of the Local Planning Authority outlined in paragraphs 15 - 21 of this report.
14. Furthermore, the principle of student accommodation at this location is supported by the University, who have stated 'Location is also a factor and this proposal appears to be in a location that should appeal to our student population'

#### Local and National Policy Background

15. The Council's planning policy framework in the form of the adopted Core Strategy, AAPs and emerging Plymouth Plan supports the provision of purpose built student accommodation, as outlined below.
16. 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.
17. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy 1 identifies that it is important to that every student feels welcome and have access to quality accommodation near their place of study. Policy 15 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.
18. Through the implementation of planning permissions for purpose built student accommodation there will inevitably be less pressure placed on the existing housing stock within the City. This is likely to reduce the demand for student HMOs within communities. If these developments were 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 be met through existing houses.
19. The Local Planning Authority does have Council Tax data which demonstrates that there has been a reduction of 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. Paragraph 2.8.46 of the Development Guidelines SPD adds that the Council will support purpose built student accommodation as long as it is well designed, provides a decent standard of accommodation and is suitably located to minimise any negative impacts on residential amenity.
21. In lieu of the above points, officers consider that the principle of the proposal is acceptable at this site, and as suggested in paragraph 10.2 of the Core Strategy will help achieve the goals of the Core Strategy by promoting 'a wide choice of housing types, to meet the needs of all members of the community'.

### Initial Application Issues

22. Notwithstanding that there was a DES pre-application where advice was provided on the design and layout of the proposal, the initial application plans that were submitted to the council were considered unacceptable.
23. Officers consider that the originally submitted design of the building was a poor pastiche of the existing building, and the principle elevation of the of building onto Belgrave Road together with the ancillary refuse storage and recycling facilities was confused. Views of the buildings main entrance were blocked by these facilities, and as such completely restricted the principle entrance. The proposal would have been harmful to the street scene.
24. The front elevation itself lacked the high quality appearance that the planning authority sought and expressed at pre-application stage. Whilst officers accept that the principle elevation cannot be saved, the authority expected an appropriate design that would enhance the street scene. The design of the building was identified as a concern by residents and the Council's Urban Design Officer.
25. This first design sought to utilise the same footprint as the existing building which although not a problem, resulted in inadequate bin storage for residents and zero parking provision on site. Parking, servicing and refuse have been raised as resident concerns on the letters of representation and it was suggested to the applicant that this needed to be addressed. The Local Highways Authority objected to the lack of parking provision.
26. The poor design of building also resulted in a concerning relationship between accommodation on the western side of the building and existing outdoor terrace belonging to the Weatherspoon's pub. Officers advised the applicant that this was unacceptable, as it would have resulted in poor levels of amenity, privacy and outlook for future occupiers.
27. The additional storey to the flat roof section directly south of No.4 Belgrave was also raised as an issue, as officers considered that there could be a loss of light that would impact on the residential amenity currently. The relationship between accommodation and the doctor's surgery directly south of the application site was also raised as a possible conflict.

### Revised Scheme following consultation and officer comments

28. Following the number of letters of representations that were received, and the objections and concerns raised by various consultees, officers engaged with the applicant to see if they were willing to negotiate amendments to the scheme as was unsupportable. The applicant agreed to make amendments, and these were submitted to the Local Planning Authority and

re-advertised for 21 days, giving consultees and the public the opportunity to make further comments where necessary.

### Resubmitted Design

29. The initial scheme was an attempt to recreate the existing buildings appearance. This was unsuccessful, but following lengthy consideration of how to best address the site, the applicant has considered a modern, contemporary approach which is supported by the Council's Urban Design Officer.
30. Some of the letters have suggested that the original building was out of character, however Officers are of the view that there is no one dominant architectural character in this particular area (Belgrave Road and Mutley Plain Lane). The existing Belgrave Snooker Club building for instance is quite different to the surrounding character, therefore the approach to provide a modern, individualistic building was an appropriate way to deal with the site. As a corner plot, the building is prominent within its locality, but not overly dominant within the setting of Mutley Plain itself and therefore would not be harmful to this important street scene.
31. The massing of the building has changed, resulting in a taller building, however it is noted that the overall height of the main building now proposed is reduced by 1m when compared to the first iteration. The proposed building is still higher than the existing building by 1.4m; however officers recognise the significance of this reduction when considering the apparent bulk and appearance of the building.
32. To reduce the apparent bulk, the attic section will be differentiated from the lower floors using zinc cladding which in officer's view softens its appearance. The attic section is also set back slightly from the main elevations, and this will assist in reducing the apparent bulk and dominance of the building. The other materials on the building do need some clarification, therefore officers have attached a condition to ensure high quality are utilised should permission be granted.
33. The principle north elevation demonstrates a projecting pod which although it extends beyond the building line to the east, it does not extend beyond the buildings to west. The refuse and cycle store are no longer located at the front, meaning the entrance to the building is now legible and improves its appearance within the street scene.
34. The rear of the building has been altered to provide 6 undercroft parking spaces and a dedicated refuse store which will be accessed from the rear service lane that connects onto Mutley Plain Lane. These specific alterations have resulted in a reduction in unit numbers.
35. Officers have reviewed the amended design and layout, and consider it to be supportable, and in officers' view it accords with policies CS01 (para.2), CS02 (para.3, 7 and 11) and CS34 (para.3 and 4) of the Core Strategy as its scale, massing and layout will contribute to the street scene and will not be detrimental to the character of the area.

### Residential Amenity

36. The design of the previous scheme resulted in amenity issues for both existing and future residents which officers considered unacceptable. Officers are encouraged that the design of the building has been significantly improved as highlighted above and the applicant has sought to address the Council's amenity concerns.

37. The provision of the undercroft parking and refuse area to the rear of the building has resulted in the removal of several units that had conflict with the adjacent Weatherspoon pub. The Public Protection Service has not objected to the relationship of the units along the western elevation with the pub, although they do suggest noise conditions to improve amenity.
38. The new layout, and revised window positions along the western elevation mean that almost all units are now considered to be a suitable distance from the terrace; therefore the degree of impact has significantly reduced. Unit ST16 is located on the first floor west elevation and could still result in a loss of privacy. Although there is an oblique angle relationship to the terrace, this will be enhanced by the consideration of obscure glazing, or film, which has been conditioned.
39. Officers have considered the need to protect the relationship between the doctor's surgery and the southern facing rooms. The degree of impact is considered low due to the contrasting times of use; however officers have applied a glazing condition to consider all window treatment, including to those facing south.
40. The relationship between the proposal and other properties that back onto the rear service lane is also considered acceptable. Officers do not consider that there would be demonstrable harm from overlooking to adjacent properties as a result of this development.
41. Officers have considered that the Mutley Area itself has proliferation of potential noisy/anti-social uses already that would likely cause some disruption to amenity in any case. Officers have also taken into consideration the dense nature of the area, and that in some older parts of the city, levels of amenity can often be lower. Therefore when put in context, the impact on amenity is considered acceptable.
42. The 43 rooms are all ensuite, and range from 18m<sup>2</sup> to 36m<sup>2</sup> depending on the position within the building. Members will be aware that there are no size standards for student accommodation; however these sizes are consistent with other student development approved in the city, and when compared to most cases they are larger.
43. No internal communal space is proposed, and due to the footprint of the building, no outdoor amenity space is provided, however the existing building if converted would not have provided amenity space either. The site does have good access to public amenity spaces (such as Mutley Park, Moorview Park, Thorn Park and Central Park) therefore this is not considered a significant issue. Students will therefore have a good standard of accommodation.
44. The design of the building will result in an additional storey above the single storey section to the south of No.4 Belgrave Road. The principle concern is that this would result in a loss of light and therefore amenity into the rear garden of No.4.
45. Officers suggested that this additional storey should have been omitted from the plans, to protect the amenity of this resident. Officers have visited the rear garden of No.4 Belgrave Road which is already dominated by the main snooker building to the west with restricted levels of light. There is no outlook at ground floor (garden) level; however there is an existing level of outlook from upper floors, although this is still somewhat diminished.
46. Officers do consider that there would be a loss of light into the rear of this property; however the significance of this would not be demonstrably harmful when compared to the existing situation. Windows have been proposed in the elevations that face this property;

however they have been positioned in a way that would protect amenity to a satisfactory level. Officers do not consider that there would be demonstrable harm from overlooking; however consideration of obscure glazing has been conditioned.

47. Several of the letters have suggested that the introduction of students into the area would create a loss of amenity to all residents through anti-social behaviour. Officers are satisfied however that the presence of an onsite manager, and the correct implementation of the operation and management plan, residents are unlikely to be disrupted by anti-social behaviour.
48. Officers have reviewed the amendments to the design that have sought to address the amenity issues that were raised during the initial consultation period. On balance, officers consider that the proposal has satisfactorily addressed the amenity for future occupiers, and also are of the view that the impact on existing residents would be demonstrably low. The levels of privacy, overlooking and disruption are not considered to be harmful, and the levels of light and overshadowing will also be low when compared to the existing building, the proposal is therefore considered to accord with policies CS15 (para.5), CS22 (para.1) and CS34 (para.6) of the Core Strategy, and para.17 of the National Planning Policy Framework 2012

#### Local Highways Authority

49. The Local Highways Authority recognises that whilst the provision of 6 vehicle spaces is below the maximum number of spaces required to serve the development through application of the parking standards for student accommodation as outlined within the Development Guidelines SPD (11 spaces as a result of there being a Controlled Parking Zone in operation within the area), the site is ideally located to the University and Mutley Plain to allow for the use of sustainable modes of transport as an alternative to the private car. In addition, the building has a restricted student use, and the applicant has also indicated that they intend to restrict vehicle ownership through tenancy agreements.
50. As well as providing parking for the development, the 6 spaces will also serve the development in terms of drop-off/collection at the beginning/end of term time which will ensure that parents have somewhere to park whilst picking-up/dropping off students. The Local Highways Authority recommend that a condition be attached relating to the need for details on the management/use of the parking area.
51. In addition to car parking the applicant will be required to provide some secure and covered cycle parking spaces. Whilst a total of 44 spaces is referred to on the plan I would suggest that a total of 23 spaces would suffice (1 space per 2 students).
52. The applicant has made reference to the fact that they would be willing to implement a Travel Plan for this development (which should be agreed in writing by the LPA), therefore it is recommended that this be covered by way of a condition.
53. In view of the changes that have been made to the scheme which has resulted in the creation of 6 dedicated off-street car parking spaces to serve the development, the Local Highways Authority is now in a position to change its previous recommendation of refusal to one of no objections subject to the conditions being attached to any grant of consent.

#### Secure By Design

54. The proposed undercroft parking area to the south of the building is supported providing suitable mitigation is adopted to ensure that it does not attract anti-social behaviour. This will be conditioned, and the presence of an onsite manager will help to discourage misuse of this area, therefore the proposal is in accordance will policy CS32.

### Drainage

55. The application has not been accompanied by detailed drainage designs due to the limited options onsite, however under the advice of the Lead Local Flood Authority, a condition will be added to ensure that all drainage details, including SWW agreements are submitted and approved prior to commencement.

### Sustainable Resource Use (CS20)

56. The Low Carbon Team have reviewed the submitted energy statement prepared by Therm Energy, dated November 2015 and the proposed approach of delivering 150m<sup>2</sup> (20kWp) of solar photovoltaic equipment is consistent with the adopted policy CS20 and the draft Plymouth Plan Policy. The implementation of this will be conditioned.

### Landscaping and Ecology

57. The existing site has very little landscaping or ecological presence, and the information provided does not seek to enhance the existing situation. It is therefore recommended that a condition be attached show how net biodiversity gain will be achieved so that proposal accords with policy CS19 should permission be granted. Such methods could include soft landscaping, planter or bird boxes or swift bricks.

## **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 £27,033.48 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

The applicant has indicated that they do not intend to apply for relief or exemption.

## **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:

- Local Greenspace: Natural Infrastructure for the provision and maintenance of greenspace and access improvements at Mutley Park – Part £10,680
- Playing Pitches: Natural Infrastructure for the provision and maintenance of playing pitch facilities at Collings Park – Part £19,329

The management fee has been calculated at £1334 (£667 per obligation) based on the current fee charging schedule.

## 12. Equalities and Diversities

Two of the ground floor studios (ST05 and ST07) are both accessible rooms, and level access is also provided at the front and rear of the building.

## 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 and specifically the Local Development Framework Core Strategy and is therefore recommended for conditional approval subject to the signing of a S106 agreement.

## 14. Recommendation

In respect of the application dated **11/01/2016** and the submitted drawings Existing Plans - EP00; Existing Elevations - EE100; Site location plan BRS.5875\_02; 1510-47\_SP01-A Swept Path Analysis for Proposed Parking Bay Access; Proposed Plans P396.API00 Rev H; Proposed Elevations P396 AE100 Rev E; Proposed Elevations P396 AE101 Rev E; Proposed Plans I-2; Floor P396 API01 Rev I; Proposed Plans 3F roof P396 API02 Rev I; P396 3D Render; 3D Renders Additional; Planning Statement (Rev A); Statement of Community Involvement; Energy Statement (prepared by Therm Energy, Nov 2015); Operational Statement; Phase I Contaminated Land Desk Study; Transport Statement; Transport Addendum; BRS 5875 Drainage Strategy FINAL JCM 05 01 16; Structural Report (Additional); Design and Access Statement (Rev B), it is recommended to: **Grant Conditionally Subject to a S106 Obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if S106 is not signed by the target date or other date agreed through an extension of time.**

## 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, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans - EP00; Existing Elevations - EE100; Site location plan BRS.5875\_02; 1510-47\_SP01-A Swept Path Analysis for Proposed Parking Bay Access; Proposed Plans P396.API00 Rev H; Proposed Elevations P396 AE100 Rev E; Proposed Elevations P396 AE101 Rev E; Proposed Plans I-2; Floor P396 API01 Rev I; Proposed Plans 3F roof P396 API02 Rev I; P396 3D Render; 3D Renders Additional; Planning Statement (Rev A); Statement of Community Involvement; Energy Statement (prepared by Therm Energy, Nov 2015); Operational Statement; Phase I Contaminated Land Desk Study; Transport Statement; Transport Addendum; BRS 5875 Drainage Strategy FINAL JCM 05 01 16; Structural Report (Additional); Design and Access Statement (Rev B)

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: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(3) The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The plan shall include details of construction vehicle movements including number, type and size of vehicle; construction operation hours; routes being used by construction traffic; contractors parking arrangements and details of measures to encourage the use of sustainable modes of transport by construction staff as an alternative to the private car. Thereafter the construction of the development shall be carried out in strict accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the proposed development does not lead to adverse impacts upon the operation of the Local Road Network which would be contrary to Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Justification:

Access to the site during the construction phase is likely to be difficult and disruptive to other highways users

##### PRE-COMMENCEMENT: EXTERNAL MATERIALS

(4) No development shall take place 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.

Justification:

The local planning authority need to be assured that the building will be of a high quality to ensure that it does not negatively impact the area into the future

#### PRE-COMMENCEMENT: BIODIVERSITY NET GAIN

(5) No development shall commence on site until full details of how net biodiversity gain will be achieved on site has been submitted to and approved by the Local Authority, including full details of existing and proposed habitats (usually displayed in a 'biodiversity budget' table).

Reason:

In the interest of the enhancement of wildlife and in accordance with Core Strategy Policy CS19 and Government advice contained in NPPF paragraph 109 and 118

Justification:

To ensure that the site accords with policy by satisfactorily incorporating biodiversity into the scheme

#### PRE-COMMENCEMENT: DRAINAGE AND SURFACE WATER DISPOSAL

(6) No development shall take place until details of drainage works, and the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building hereby permitted is first occupied

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:

The local planning authority want to ensure that proposal will adequately deal with surface water disposal, and would not pose a flooding risk in the area



## **Pre-occupation Conditions**

### **PRE-OCCUPATION: PARKING MANAGEMENT STRATEGY**

(7) Prior to the occupation of the building a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in relation to the control and management of the car parking spaces serving the building including details relating to the arrangements for the use of the spaces for drop-off/collection at the beginning/end of each academic year.

#### **Reason:**

To ensure that adequate parking facilities are provided to serve the development in order to avoid vehicles from parking on the public highway (particularly in respect of drop-off/collection) giving rise to conditions likely to cause damage to amenity and interference with the free flow of traffic on the highway which is contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **PRE-OCCUPATION: SOLAR PANELS**

(8) The development shall be completed in accordance with the Energy Statement prepared by Therm Energy (November 2015). This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size of 20kWp. 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 (in this case Photovoltaic Cells) 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 is in accordance with Policy CC05 of the City Centre Area Action Plan, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

### **PRE-OCCUPATION: CYCLE PROVISION**

(9) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 23 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.

#### PRE-OCCUPATION: SOUND INSULATION

(10) No dwelling shall be occupied until the applicant/developer has submitted a verification report proving that all dwellings have been constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise unless otherwise agreed in writing by the Local Planning Authority. The standard as set out in BS8233:2014 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.

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.

#### PRE-OCCUPATION: SECURE BY DESIGN

(11) The building shall not be occupied until the following details relating to the undercroft parking to the rear of the building hereby approved have been submitted to and approved in writing by the local planning authority:-

- Lighting to the undercroft area to the levels detailed in BS: 5489. (landlords supply);
- Painting of the ceiling and walls white, with an anti graffiti coating, to reflect light and better illuminate the area;
- Each parking space should be kept private with access control measures for residents and staff, such as securable collapsible bollard;
- A CCTV system to cover vulnerable areas, such as the undercroft parking area, entrances etc which should be managed by the on site management;
- The undercroft parking facility should be adequately signed identifying that it is a private facility and there should be no unauthorised parking.

Reason:

To prevent and discourage anti-social behaviour and protect the amenity of the area in accordance with Policies CS32 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 58 and 69 of the National Planning Policy Framework 2012

#### PRE-OCCUPATION: GLAZING

(12) Prior to the occupation the building hereby approved, the Local Planning Authority shall be provided with a full schedule of windows and the proposed glazing treatment, including the method for application. The agreed treatment shall be installed and maintained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure future occupiers amenity is not demonstrably impacted, and in order to protect the privacy enjoyed by the occupiers of the adjacent dwelling 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.

#### **PRE-OCCUPATION: TRAVEL PLAN**

(13) The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage students to use modes of transport other than the private car to get to and from the building. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

#### **PRE-OCCUPATION: CAR PARKING PROVISION**

(14) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter 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.

#### **Other Conditions**

##### **CONDITION: PLANT NOISE**

(15) The noise emanating from any plant (LAeqT) should not exceed the background noise level (LA90) at anytime as measured at the façade of the nearest adjacent residential properties.

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.

##### **CONDITION: MANAGEMENT PLAN**

(16) The development hereby approved shall be operated in strict accordance with the management plan as set out in Operational Statement (received 24/12/2015) at all times unless otherwise agreed in writing by the local planning authority.

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.

#### CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(17) 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.

#### **CONDITION: STUDENT ACCOMMODATION**

(18) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

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.

#### **CONDITION: BEDROOMS**

(19) No more than 43 rooms at the property shall be used as bedrooms. Only the rooms labelled "bedroom" 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.

#### **Informatives**

##### **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

##### **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: NOISE

(3) The applicant should carry out a noise impact assessment prior to construction to identify if the plant is likely to cause an impact on neighbouring residents and any residents of the proposed development. This will help identify if any further mitigation is required in the design and construction of the development, to ensure that the above condition is met. Furthermore, 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 meet the required standard prior to development. This may reduce costs after the development has been completed.

#### INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(4) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

#### INFORMATIVE: SPECIAL WASTES

(5) 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: CODE OF PRACTICE

(6) The development of this site should be in accordance with the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages. Issues to consider include:-

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

c. Hours of site operation, dust suppression measures and noise limitation measures.