

PLANNING APPLICATION OFFICERS REPORT



Application Number	16/02274/FUL	Item	04
Date Valid	28.11.2016	Ward	DRAKE

Site Address	1 Armada Street Plymouth PL4 8LS		
Proposal	Erection of building containing 8 houses of multiple occupation (HMO) (Class C4 & Sui Generis), 4 flats (Class C3) & associated bike & bin store (demolition of existing building)		
Applicant	Mr Tim Barrow		
Application Type	Full Application		
Target Date	27.02.2017	Committee Date	09.03.2017
Extended Target Date	17.03.2017		
Decision Category	Member referral		
Case Officer	Mr Chris King		
Recommendation	Conditional approval subject to S106 Obligation. Delegated to Assistant Director of Strategic Planning and Infrastructure to refuse if not signed in accordance with agreed timescales		



This planning application has been referred to planning committee by Cllr Ricketts

1. Description of Site

The application site is located between Armada Street and Bedford Terrace in the North Hill area of the City. The application site is referred to as 1 Armada Street whereas the north of site is referred to as 16 Bedford Terrace. The site was formerly the Union Glass industrial site. The two existing buildings on the site are low quality industrial buildings fit only for the purpose of the previous operations and therefore have little relation to the surrounding premises or the character of the area. The application site is outside of the City Centre and University Area Action Plan.

The area can be described as a mixed use area demonstrating a wide range of uses including offices, shops, cafes, bars and solicitors however the predominant use is residential. Most of the surrounding residential properties have been converted into either Houses of Multiple Occupation (HMOs) or flats and are predominantly occupied by students or young professionals. Armada Street and Bedford Terrace have to some degree defined the massing patterns, which are consistent with the general character of the area.

2. Proposal Description

Erection of building containing 8 houses of multiple occupation (HMO) (Class C4 & Sui Generis), 4 flats (Class C3) & associated bike & bin store (demolition of existing building).

This mix will be provided through the following accommodation schedule:-

Unit 1	- 5 Bed HMO Flat- 124m ² - Use Class C4
Unit 2	- 1 Bed Studio Flat- 45m ² - Use Class C3
Unit 3	- 8 Bed HMO Flat- 220m ² - Sui Generis
Unit 4	- 6 Bed HMO Flat- 141m ² - Use Class C4
Unit 5	- 2 Bed Flat- 55m ² - Use Class C3
Unit 6	- 6 Bed HMO Flat- 141m ² - Use Class C4
Unit 7	- 2 Bed Flat- 55m ² - Use Class C3
Unit 8	- 6 Bed HMO Flat- 131m ² - Use Class C4
Unit 9	- 6 Bed HMO Flat- 141m ² - Use Class C4
Unit 10	- 2 Bed Flat- 55m ² - Use Class C3
Unit 11	- 6 Bed HMO Flat- 132m ² - Use Class C4
Unit 12	- 6 Bed HMO Flat- 132m ² - Use Class C4

A central amenity courtyard has been proposed (82m²) and two secure roof top terraces have also been included providing an additional (110m²) of outdoor amenity space for future occupiers:-

Communal Courtyard	- 82m ²
Roof Terrace South Building	- 60m ²
Roof Terrace Central Wing	- 50m ²
Total Amenity Area	- 192m ²

The development includes two integral bin stores and one large cycle store for all residents.

3. Pre-application enquiry

This planning application was the subject of a Pre-application. During this pre-application process the Local Planning Authority considered the principle of the development, and then provided advice on issues including use, amenity, design, highways, drainage, biodiversity and energy. The scheme that has been submitted has been modified to broadly accommodate the views of the Local Planning Authority in line with the policies in the Local Development Core Strategy.

4. Relevant planning history

17/00382/FUL - Construction of Dormers to House of Multiple Occupation (HMO) - Class C4 - Under Consideration

97/01116/FUL - Change of use to premises for storage and sale of glass -

93/00824/FUL - Change of Use from Auction Rooms to Proprietary Members Club.

5. Consultation responses

Economic Development Department - No Objections

Environment Agency - No Objections subject to further information

Lead Local Flood Authority - No Objections subject to further information

Local Highway Authority - No Objections subject to Conditions

Low Carbon Team - No Comments received however a suitable condition is to be imposed with regards to energy.

Natural Infrastructure Team - No Objections Subject to Conditions

Police Architectural Liaison Officer - No Objections Subject to Conditions

Private Sector Housing Officer – No Objections

Public Protection Service - No Objections Subject to Conditions

Urban Design Officer - No Objections Subject to Conditions

6. Representations

The Local Planning Authority has received three letters of representation. The letters are summarised as follows:-

- o The proposed development will affect the living standards of adjacent House of Multiple Occupation - No3 Armada Street.
- o The proposal is completely out of character with the area o
The size and scale are unacceptable
- o Proximity to existing uses may increase noise complaints to the council against these existing uses
- o Roof deck poses a health and safety risk to clients of The Mouse Trap terrace
- o Would like to ensure that the proposal does not prevent future redevelopment of the commercial units west of the site facing onto North Hill (including Stags estate agents, The Mouse Trap bar and other adjacent businesses)

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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:-

- o Sustainable Design Supplementary Planning Document
- o Development Guidelines Supplementary Planning Document
- o Planning Obligations and Affordable Housing Supplementary Planning Document
- o The City Centre and University Area Action Plan (AAP) 2010

5 year housing land supply

Members will be updated in the form of an addendum report to clarify Plymouth's position with regard to its 5 year housing land supply

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 DEV10 of the Plymouth and South West Devon Joint Local Plan.

8. Analysis

1. This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. This application turns upon policies CS01 (Sustainable Linked Communities), CS02 (Design), CS05 (Development of Existing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Highways Considerations), CS32 (Designing out Crime), CS33 (Planning Obligations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy 2007.
3. This application also turns upon the following policies from the approved Plymouth and South West Devon Joint Local Plan (JLP):- DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise and land), DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing), DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area), DEV14 (Maintaining a flexible mix of employment sites), DEV20 (Place shaping and the quality of the built environment), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV31 (Specific provisions relating to transport) DEV32 (Meeting the community infrastructure needs of new homes), DEV34 (Delivering low carbon development), DEV35 (Renewable and low carbon energy (including heat)) and DEV37 (Managing flood risk and water quality impacts).
4. The principal issues relating to this application are considered to be residential amenity; design, massing and layout; and the impact towards the character of the area. Other considerations include drainage, renewable energy, pollution and biodiversity.

Principle of Development - Loss of Employment Site

5. The existing site is disused light industrial land previously operated by Union Glass. Union Glass has since relocated to another part of the city ensuring that there has not been a net loss of employment within the city.
6. Policy CS05(1) of the Core strategy and policy DEV14 of the JLP will protect viable employment sites and assess whether its retention is necessary to meet the area's current or longer term economic development needs.
7. Both policies consider whether the neighbourhood within which the site is located already has a good range of employment opportunities available for local people, or the proposal will deliver a mixed use development which continues to provide for a good range

of local employment opportunities.

8. The applicant has provided evidence to demonstrate that the site is not a viable employment site, and this have been reviewed by Plymouth City Council's Economic Development Department who have not raised any objections to the proposed change of use. The view indicates that the proposed change of use is acceptable. Furthermore officers are of the view that there would be clear regeneration and sustainable community benefits from the proposal in accordance with aforementioned polices, and policy CS01 of the Core Strategy and policy DEV20 of the JLP.

Principle of Development - Article 4 Direction and Residential Proposal

9. Paragraph 196 of the National Planning Policy Framework (NPPF) states that 'the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

10. The Plymouth and South West Devon Joint Local Plan (JLP) has now been approved by full Council. The weight that this document holds in the decision making process will continue to increase as it moves through the formal consultation and examination stage. In assessing the planning balance of this application it is important for Members to understand the context of the application.

11. Members are advised that the Local Planning Authority has been working proactively with the applicant over the past 8 months to address identified deficiencies in the proposals prior to the submission of this formal application. The application has yet to be determined as an extension of time has been agreed to resolve issues identified in the three letters of representation. Had the applicant not been willing to address some of these concerns the application could have been presented at the previous committee without the presence of the approved Joint Local Plan and its emerging policies.

12. Until very recently the proposal has been considered in the context of the Local Development Framework Core Strategy 2007 which remains the adopted development plan. Therefore the LDF Core Strategy is still a key material consideration when assessing the planning balance of this application.

13. It is important to note that the JLP echoes the views of the Core Strategy in stating that Houses of Multiple Occupation (HMO) can make a valuable contribution to the private rented housing stock and provide essential housing suited to predominantly young and single people, including students, and those on low incomes.

14. Policy DEV11 (1) of the published Plymouth and South West Devon Joint Local Plan (JLP) states that the LPA will not support applications for Homes in Multiple Occupation unless the proportion of dwelling units in multiple occupation (including the proposed site) does not exceed 10% of the total dwelling stock within 100m of the application site.

15. Many of the policies within the JLP have been subject to previous formal consultation

as part of the Plymouth Plan. However, policy DEV11 is a policy that has not been consulted on or tested at examination. Officers therefore consider that this policy should only be afforded limited weight when assessing the planning balance of this application.

16. Officers consider that the approach of the Core Strategy which recognised the need for HMOs as long as they contributed to the creation of sustainable linked communities should therefore take precedent in this case.

17. Members will be aware that the Council made an 'Article 4 Direction' which, from 14 September 2012, requires planning permission for the change of use of C3 dwellinghouses to C4 HMOs within an identified area of the city. The purpose of the Article 4 Direction was to try and control the proliferation of HMOs in certain localities and reduce the loss of traditional family dwellings. For clarity, the C4 Use Class covers small shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities. Large HMOs, with more than 6 people sharing, are 'sui generis' (not in a use class).

18. This application site is within the Article 4 Direction however it does not result in the loss of any family dwellings and does not propose purpose built student accommodation. Officers have been mindful of the need to try and support the creation of a sustainable community and have secured a range of house types with HMOs of various sizes, a one bedroom flat and three two-bedroom flats which could be occupied by a small family. Officers consider this development will positively contribute to the housing stock in the area providing choice to Plymouths residents. The inclusion of the four flats will make further important contributions to the housing needs in the city in accordance with Policy CS15 of the Core Strategy.

19. The range and tenure of the accommodation proposed is also supported in the government White Paper, 'Fixing our broken housing market'. Paragraph 3.20 states that alongside affordable homes, we need more good quality privately rented homes, with the 'build to Rent' model being an alternative way to meet the housing crisis in this country. The White paper suggests that the government wants 'to build on this and attract major institutional investment in new large-scale housing which is purpose-built for market rent. This will drive up overall housing supply, and increase choice and standards for people living in privately rented homes'.

20. Officers have reviewed the tenure of the surrounding properties and can advise that approximately 31% of the housing stock within 100m of the application site are HMOs. Officers accept that whilst this is above the 10% threshold in the JLP, taking in to account the greater weight that should be given to the Core Strategy in this case and that the development has not sought to provide a single house type the addition of further HMOs in this locality is considered acceptable.

21. The site is positioned in a highly sustainable location in easy reach of a full range of services and amenities that future residents would require. The development is not solely for "students" and will provide a tenable housing choice to young professionals who are unable

to afford to buy or rent larger properties alongside couples and small families. At least 40% of the housing stock within 100m will still be retained as single dwellings.

22. Given the established character of the North Hill area of the city, and the site's proximity to both the city centre and Mutley the proposal is not considered contrary to policy and results in a development of an appropriate type, form, scale, mix and density in relation to its location relative to the neighbourhood's centre.

23. Members are advised that officers consider the proposal does accord with all 7 points of policy DEV10 (8) which assess HMO criteria. Policy DEV10 can be afforded more weight than Policy DEV11 as it is based on Plymouth Plan policy 18 which has been through a formal consultation process. In lieu of the above points, officers consider that the principle of the proposal is acceptable at this site in spite of the changing local policy framework and its apparent conflict with policy DEV11.

24. The planning application has been considered primarily against the LDF Core Strategy where there is not considered to be any conflict. Furthermore, paragraph 197 of the NPPF states that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'.

25. In conclusion, officers have weighed up the balance of the proposal against the LDF Core Strategy, the JLP and the NPPF. It is recognised that the applicant has been caught in a situation where emerging, untested policy no longer supports the proposal with the same clarity as its predecessor. In this case, greater weight has been afforded to the current adopted Development Plan, and on balance, it is officer's view that this proposal will provide a wide choice of housing types, to meet the needs of all members of the community without causing demonstrable harm to the character of the area in accordance with policy DEV7 of the Joint Local Plan.

Design

26. Policies CS02 and CS15 of the Core Strategy and DEV 20 of the JLP both set criteria to ensure buildings are of good design incorporating high quality materials relevant to the context and character of the area. The National Planning Policy Framework clearly supports high quality design but suggests that Local Authorities should take head of paragraph 60 of the NPPF which states:-

27. 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'

28. The application site is located in an area of the city characterised by a mix of 2, 3 and 4 storey buildings resulting in a fairly eclectic mix of building ages and styles.

29. The application proposes a contemporary four storey 'U' shaped building that fronts onto both Armada Street and Bedford Terrace. There is a linking block in the west of the site

that abuts the commercial units that front North Hill. The proposed building layout reflects the adjacent houses to the east meaning the internal courtyard acts in the same way as the back to back gardens found in older housing developments in the area. This design approach has lessened the impact towards the two dwellings immediately adjacent and was something that was identified during the Pre-Application.

30. One of the letters of representation stated that the proposed development was too high. Although the height was originally supported by officers the applicant agreed to reduce the height of the building. They have removed the parapet on the northern block which reduces the height by 1m and they also reduced parts of the southern block parapet and balustrading which reduces the height by up to 1m. The modifications to the southern block lessen the overall bulk and street presence in officer's view. These amendments to the height have resulted in the relocation of the solar panels to a different part of the roof to improve the visual impact of the building.

31. Street scene cross sections have been provided by the applicant to demonstrate the building in the context of the buildings to the north and south. The building is only slightly higher than Sherwell House to the south, and is significantly lower than the houses to north in Bedford Terrace. The distances between north and south facing windows to their opposite counterparts are considered acceptable given the denser nature of this area.

32. These relationships are considered acceptable as they clearly demonstrate or create normal street relationships that are commonly found within the city. The Council has not received any letters of objection with respect to this aspect, indicating that the relationship of the proposed building to opposite buildings is not a significant concern to local residents.

33. The scale of the proposed building means it will occupy a greater amount of the site than the existing building. However, the level of site coverage is not considered overdevelopment, and an adequate amount of space has been left within the development to provide amenity space for future occupiers.

34. The development has been reviewed by the Council's Urban Design officer. It is their view that the proposed building is supportable and has adequately incorporated design features and materials befitting of its location. The submission of the 'mini-masterplan' exercise has demonstrated that the development would safeguard the development opportunities of the commercial buildings to the west of the site which have been raised as a concern in one of the letters of representation.

35. The proposed elevation treatment is considered suitable for the building's location however a condition has been imposed to agree the final material palette so as to enhance the finished product and ensure that it retains a locally distinctive feel. It is the view of officers that the building's massing sits comfortably in its surroundings when compared to the built form and therefore complies with the Core strategy policies CS02 and CS34 and Joint Local Plan policies DEV1 and DEV20. It is officer's view that the architectural character of the area, and the North Hill street scene would not be adversely impacted by this development.

Amenity

36. As noted in section 2 of this report, the development proposes a mix of flat sizes from a 1 bed studio to an 8 bedroom HMO. Officers have reviewed the internal sizes of these flats and confirm that they exceed the sizes outlined in both paragraphs 2.5.23 and 2.8.25 of the Development Guidelines SPD as well as the Nationally Described Space Standards. All twelve flats will therefore accord with policies CS15 and CS34 of the Core Strategy and DEV1, DEV10 and DEV20 of the JLP providing adequate amenity space and living standards. In addition to this, all proposed rooms exceed the required sizes of the Private Sector Housing Officer.

37. A building of this size is required to provide a minimum of 110m² of outdoor amenity space for future residents. This development proposes approximately 190m² including two roof terraces and the ground floor courtyard area. The addition of Juliet balconies further enhances amenity and the relationship between the flats facing one another across the proposed courtyard is considered acceptable when comparing to the surrounding built context.

38. The development is also well located public open space including Drake's Place and Addison Park both within approximately 100m metres of the site. Freedom Fields Park is also within a short walking distance. The provision of both internal and external amenity space for future residents is therefore considered acceptable. In addition to this the layout of the building will satisfactorily protect outlook and privacy of future residents also, and allow sufficient light levels into habitable rooms.

39. The site is located in a densely populated residential area, and the Development Guidelines SPD suggests that levels of amenity in these the older, more densely populated parts of the city are likely to be lower. The impact of the proposal on neighbouring dwellings is not considered demonstrably harmful by officers given the established character of the area. Suitable levels of privacy and outlook will be retained for existing residents. Officers have considered the siting and topography of the site and consider that there will be no significant loss of light to adjacent properties.

40. To further enhance amenity of both existing neighbouring residents' and future occupiers of the flats an accommodation management plan has been submitted to the Local Planning Authority and its use will be conditioned. The use of the roof terraces will also be restricted to protect amenity and prevent anti-social behaviour at unsociable times. This will also prevent conflict between the roof terraces of the Mouse Trap bar to the west of the site during the later evening hours and/or at weekends.

41. The Local Planning Authority received comments from neighbouring properties with respect to amenity and the applicant has attempted to address these issues.

42. The Mouse Trap bar has raised concerns that the introduction of residents so close to the venue could give rise to noise complaints to the Council's Public Protection Service. The applicant has submitted a noise assessment, and under the advice the Public Protection Service strict sound proofing conditions have been imposed on the developer with respect to insulation and insulation verification. The absence of windows on the west elevation of the

building in lieu of future development protection will also reduce possible noise conflict in accordance with policy CS22 of the Core Strategy, DEV1 and DEV 20 of the JLP and the NPPF. Limitations on the use of the roof terraces through a condition will further protect the relationship between the two uses.

43. The owner of Hamilton House (3 Armada Street) to the east of site has stated that the proposal would result in a demonstrable loss of amenity for to one of the bedrooms of this existing 6 bedroom HMO. Officers have been to the dwelling and considered the issues and concluded that there would be a loss of amenity with respect of this one bedroom. As stated in the Development Guidelines SPD, it is expected that in older areas of the city amenity will be lower and on balance officers consider that this issue does not warrant refusal given that the property will still be afforded significant levels of light and amenity throughout the remainder of property and its principle windows in the north and south elevations will remain unaffected.

44. Notwithstanding the Local Planning Authorities viewpoint on this, the applicant was keen to ensure that the residents of Hamilton House were protected through the process of the development. The Local Planning Authority has received a planning application for the modification of this HMO to improve the internal layout and to allow the relocation of bedroom window affected by the adjacent proposal. This has been proposed by the applicant to demonstrate their commitment to enhance amenity in the area and was not a requirement of officers although it is welcomed. Officers can advise that at the time of writing this report the application had yet to be determined and was under consideration by the authority.

45. Having reviewed the plans for the alterations to this HMO it would improve the quality of the accommodation for the residents in accordance with policies CS15 and CS34 of the Core Strategy and DEV1, DEV10 and DEV20 of the JLP.

46. Developments of this size are more often than not going to cause some amenity impacts that need to be considered against the planning balance. In this instance, officers are satisfied that suitable measures have been put in place to mitigate the possible impacts of the development. It is considered that the applicant has responded well to the issues that have been raised by officers and residents and as such now complies with relevant local and national policy.

Local Highways Authority

47. The property lies within a resident parking permit scheme which operates between the hours of 0900-1900 Monday to Saturday. In accordance with the Development Guidelines SPD a property within a permit zone which operates for more than 6 hours a day and 6 days a week could be considered acceptable as being car free. The application site is in a very sustainable location with shops, services and employment opportunities within close proximity and there is good access to public transport. Given this the proposed level of parking is considered acceptable by officers.

48. In accordance with highways legislation the property will be excluded from being eligible to obtain permits and visitor tickets for use within the scheme. However in this instance the property does have a frontage onto the private street, Bedford Terrace, and the

applicant is able to provide 2 allocated parking spaces on the street. These spaces will be made available for residents and their use managed by the buildings management company. The application site is in a very sustainable location with shops, services and employment opportunities within close proximity and there is good access to public transport. Given this the proposed level of parking is considered acceptable by officers.

49. In accordance with the Development Guidelines SPD the applicant proposes to provide an internal cycle store, which would be secure and covered. The proposed scheme offers a facility suitable for 21 bicycles which is considered acceptable. As the submitted drawings show the cycle store and car parking, which is beneficial to the scheme but not actually required, there are no requirements for planning conditions, in that regard, other than that the permission should be granted in accordance with the submitted drawings. However, due to the close proximity to the Highway it would be appropriate to request a Code of Practice during the demolition and construction processes.

50. The existing vehicle crossover on Armada Street will need to be re-instated to full kerb height to match the surrounding footways and the footway re-instated accordingly. Officers consider that this should be completed prior to occupation. This can be achieved by way of a license and as such the applicant is advised that permission must be obtained from Plymouth Transport and Highways prior to any works commencing on the Public highway. As such, subject to conditions, there are no objections to the proposal from the Local Highways Authority as the proposal accords with policy CS28 of the Core Strategy and Policy DEV31 of the JLP.

Public Protection - Noise, Management Plan and Contamination

51. The Public Protection Service have concerns relating to the potential noise impact on future occupants of the proposed development from existing neighbouring commercial premises, particularly Mousetrap.

52. The noise assessment (Report Number 020/16, prepared by SB Consulting Ltd) concluded that there no additional mitigation is required and suggests that there will be no noise impact.

53. However, it is noted that the monitoring for the assessment occurred outside of the University term time. As such the assessment of the noise emanating from Mousetrap would not have coincided with when the premises' is likely to experience its busiest periods. The premise is likely to be at its peak demand during the term time.

54. To ensure that the development is suitable and that any future residents are protected from any adverse noise, the Public Protection Service recommends that a condition is applied to ensure that the development complies with BS8233:2014. The Public Protection Service also requires a verification report and the methodology (date, time, location) will need to be agreed by the LPA in advance of the verification taking place.

55. The Public Protection Services advises that further monitoring is carried out (during term time) to ensure the findings of the report are accurate to ensure that the development will comply with BS8233:2014 and will pass verification. This will be secured by condition. The

Public Protection Service also advises that should the development be approved and passes the verification, the developer should inform any future tenants, prior to them moving in, that the site is adjacent to a licensed premises.

56. A suitable management plan for the operation of the premises has been submitted and its use will be conditioned to protect amenity of residents. This will help to protect residential amenity and social cohesion by curbing anti social behaviour by future residents.

57. A preliminary risk assessment (Approved Site Investigations Ltd, Contaminated Land survey, Phase 1, 13th October 2015, Ref: A1104/P1/JW) has been submitted and is sufficient. An unexpected contamination condition has been imposed to protect future occupiers should contamination be found during the construction phase.

Biodiversity

58. The site currently demonstrates very little biodiversity therefore achieving the objectives of policy CS19 of the Core Strategy and policy DEV28 of the JLP should be possible. A range of measures have been proposed to increase biodiversity on the site including a green roof. However the green roof has now been removed to accommodate the Solar panels as part of the design amendments requested by officers and in response to the letters or representation. A revised Ecological Mitigation and Enhancement Strategy (EMES) has been submitted to the Council and demonstrates that the site will still achieve Biodiversity gain and is therefore considered acceptable. This will be secured by condition.

Drainage

59. The application site is located in Flood zone 1 (low risk) however it is located in an Environment Agency identified Critical Drainage Area (CDA). As such on site attenuation of water is critical to prevent knock on impacts. The applicant has provided a drainage report which includes confirmation from South West Water that a connection to the combined sewer would be accepted. The green roof which has now been removed from the scheme was not part of the drainage strategy.

60. Both the Environment Agency and the Lead Local Flood Authority have advised the Local Planning Authority that further information is required with respect to onsite attenuation to ensure that both surface water and foul water is discharged to the combined system at suitable rates so as not to negatively impact the area. These details will be condition to ensure the proposal is in accordance with policy CS21 of the Core Strategy, policy DEV37 of the JLP and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Renewable Energy

61. The application proposes solar panels to achieve the requirements of policy CS02 of the Core Strategy and policy DEV34 and DEV35. This will be secured by condition to clarify the specifics of energy provision for this development.

Secure by Design

62. The Police Architectural Liaison officer identified one security issue however this in fact relates to a side pathway of the neighbouring dwelling to the east. No other issues have

been raised with regards to security and crime, meaning the development will be in accordance with both the Core Strategy and the JLP when considering safety and amenity.

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: £48,634.82 (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 for guidance. The applicant has indicated that they do not intend to apply for self-build exemption or social housing relief.

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 for the total amount which is seventy one thousand two hundred and seventy seven pounds 71,277 (£71,277) for the following matters:-

- (i) Local Greenspace: the sum of thirteen thousand eight hundred and seventy five pounds (£13,875.00) to be allocated towards the provision and maintenance of facilities at Beaumont Park.
- (ii) Children's Play Space: one thousand two hundred and eighty seven pounds (£1,287.00) to be allocated towards the provision and maintenance of play facilities at Beaumont Park.

(iii) Playing Pitches: twenty five thousand one hundred and sixty nine pounds (£25,169.00) to be allocated towards the provision and maintenance of baseball facilities at Central Park

(iv) Strategic Greenspace: thirty thousand nine hundred and forty six pounds (£ 30,946.00) to be allocated towards the provision and maintenance of a strategic tree improvement plan enhancing tree lined avenues and planting at Central Park

4.1.2 The Management Fee of two thousand six hundred and sixty eight pounds (£ 2,668)

At the time of writing this committee report the above financial obligations have been agreed in principle by the applicant.

12. Equalities and Diversities

The development will be built in accordance with the 'Lifetime Homes Statement' which proposes Units 1, 2 and 3 (Lower Ground Floor) to be fully compliant with Part M4(2) - Accessible and Adaptable. The rest of the building will be compliant with Part M4(1) - Accessible Dwellings where possible.

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 2007 and the Plymouth and South West Devon Joint Local Plan.

Officers consider that the benefits of this scheme outweigh any adverse impacts theretofore on balance the planning application is recommended for conditional approval subject to the signing of a S106 agreement.

14. Recommendation

In respect of the application dated **28.11.2016** it is recommended to **Grant Subject to S106 Obligation - Full**

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1. CONDITION – APPROVED PLANS

Layout SHEET 3 Version: REV A

Lower Ground Floor Plan SHEET 4 Version: REV A

Upper Ground Floor Plan SHEET 5 Version: REV B

First Floor Plan SHEET 6 Version: REV B

Second Floor Plan SHEET 7 Version: REV B

Third Floor Plan SHEET 8 Version: REV C2

Sections SHEET 9 Version: REV B

Elevations - Proposed SHEET 10 Version: REV D

Elevations - Proposed SHEET 11 Version: REV E

Proposed Layout SHEET 12 Version: REV A

Sections SHEET 13 Version: REV D

Elevations - Proposed SHEET 14 Version: REV B

Elevations - Proposed SHEET 15 Version: REV B

Elevations SHEET 16 INDICATIVE Version: REV A

Elevations SHEET 17 INDICATIVE Version: REV A

Roof Plan SHEET 18 Version: REV A

Streetscape EXTERNAL VIEWS REV E Version: 1

Streetscape MINI MASTER PLAN REV A Version: 1

Site Location Plan SHEET 1 Version: REV A

Survey Plans SHEET 2 TOPO SURVEY Version: 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.

2) **CONDITION: COMMENCE WITHIN 2 YEARS**

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 in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3) **CONDITION: CODE OF PRACTICE**

PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: To ensure that the construction of the development does not cause significant or unreasonable harm to the highway and surrounding amenity.

4) **CONDITION: DRAINAGE FURTHER DETAILS**

PRE-COMMENCEMENT

Notwithstanding the submitted drainage details, no development shall take place until the below details of the proposals for the attenuation and disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.

The proposed drainage system, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

A surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas. If there is an opportunity to direct exceedance flows off site into a waterbody then this will

be considered providing that all necessary land and discharge approvals have been obtained.

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, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification: To ensure that the drainage proposals do not have an adverse impact on the existing combined sewer system and the wider water environment

5) **CONDITION: EXTERNAL MATERIALS**

PRE-DPC

The development hereby approved shall not proceed past the Damp Proof Course level until full 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, policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

6) **CONDITION: NOISE VERIFITCATION**

PRE-OCCUPATION

All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise and prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the below standards and criteria:-

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. The date, method and location of the monitoring required for verification shall be agreed in writing with the LPA prior to the verification taking place.

The dwellings shall be built and maintained as such unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the 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, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 and 123 of the National Planning Policy Framework 2012.

7) **CONDITION: LANDSCAPE WORKS IMPLEMENTATION**

PRE-OCCUPATION

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

8) **CONDITION: REINSTATEMENT OF FOOTWAY**

PRE-OCCUPATION

The building shall not be brought into use until the existing footway crossing (to become redundant) has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV20 and DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

9) **PRE-OCCUPATION: ENERGY CALCULATIONS**

PRE-OCCUPATION

Before any unit of accommodation hereby approved is occupied the applicant shall provide to the Local Planning Authority a report for approval identifying how the energy saving methods outlined in the submitted details to achieve the 15% of the carbon emissions for which the development is responsible. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV34 and DEV35 of the Plymouth and South West Devon Joint Local Plan and relevant Central Government guidance contained within the NPPF

10) **CONDITION: JULIET BALCONIES**

PRE-OCCUPATION

No dwelling hereby approved shall be occupied until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:

Quantity, design and material specifications of the proposed Juliet Balconies. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012

11) **CONDITION: ROOF AREA USE RESTRICTION**

Only the roof areas of the building hereby permitted identified as 'Roof Terrace' on the approved plans shall be used by residents and these Roof Terraces shall only be used between 0800 Hours to 2100 Hours Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority

Reason:

The use of the Roof Terraces outside of these hours could result in an unacceptable loss of amenity and unnecessary conflict with adjacent premises contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 of the National Planning Policy Framework 2012.

12) **CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated February 2017).

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraph 118 of the National Planning Policy Framework 2012.

13) **CONDITION: ACCOMMODATION MANAGEMENT**

The submitted Management Plan Rev B shall be adhered to 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, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 123 of the National Planning Policy Framework 2012.

14) **UNEXPECTED CONTAMINATION**

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, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012.

Informatives

1) INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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.

2) INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

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. 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.

3) **INFORMATIVE: CODE OF PRACTICE**

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

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

4) **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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.

5) **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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.

6) **INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

Design and Access Statement Rev B; Drainage Statement; Buy to Let Britain Presentation 23062015; Extended Phase 1 Habitat Survey and Extended Phase 1 Habitat Survey (2); Landscaping Rev B; Lifetime Homes Statement Rev B; Management Plan Rev B; Phase 1 Contaminated Land Survey; Secured by Design Rev B; Transport Statement Rev B; Noise Survey 020/16; Ecological Mitigation and Enhancement Strategy Feb 2017;