

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/02091/FUL	<b>Item</b>	<b>01</b>
<b>Date Valid</b>	27.11.2017	<b>Ward</b>	DRAKE
<b>Site Address</b>	41 North Hill Plymouth PL4 8EZ		
<b>Proposal</b>	Alterations & extension to comprise 66 student bed spaces and A1, A2, A3 and/or B1 ground and lower ground floor use with part retention of existing private members club		
<b>Applicant</b>	Mr R Pillar		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>26.02.2018</b>	<b>Committee Date</b>	<b>31.05.2018</b>
<b>Extended Target Date</b>	<b>12.06.2018</b>		
<b>Decision Category</b>	More than 15 Public Comments		
<b>Case Officer</b>	Mrs Karen Gallacher		
<b>Recommendation</b>	Grant subject to S106 Obligation with delegated authority to Service Director for Strategic Planning & Infrastructure to refuse if timescales are not met.		



## **1. Description of Site**

The site is located on the west side of North Hill, just north of Drakes Place Reservoir which is grade 2 listed. It is currently occupied by the Royal Antediluvian Order of Buffaloes (RAOB) social club with the car park to the rear and a small overgrown garden area and beer garden to the south of the main buildings. The site is fairly level, but at a higher level than the reservoir and is supported by the northern wall of the reservoir. To the north and west are residential properties on Skardon Place and business properties on North Hill. The site has two pedestrian access points through the existing limestone wall on North Hill. Vehicular access to the rear car park is to the north off Skardon Place via a narrow cobbled lane between 4 and 5 Skardon Place. The area is in mixed use. There are various commercial uses on North Hill, a quiet residential cul-de-sac in Skardon Place and the university and reservoir to the south and west. There are a number of listed buildings, in addition to Drakes Reservoir, visible from the site including Sherwell Church and associated buildings (Grade 2 star), the museum and Library (Grade 2) and St Mathius Church (Grade 2) farther up North Hill.

## **2. Proposal Description**

The proposal is for the alteration and extension of the existing RAOB building to create Purpose Built Student Accommodation (PBSA) for 66 students in 41 studio apartments. The proposal also includes a new commercial unit on the lower ground floor and associated parking area for 4 cars.

The proposed accommodation is laid out as described below.

### Lower Ground Floor

RAOB accommodation bar area

Commercial unit for retails use (A1), financial and professional services (A2), restaurants and café (A3) or business (B1) use

Student common room

Plant room

### Ground Floor

RAOB accommodation

Concierge and foyer for student accommodation

Common room, plant, laundry, cycles and refuse store

3 x 2 bed studios

1 x 1 bed studio

### First Floor

6 x 2 bed studios

4 x 1 bed studios

Plant room

### Second Floor

6 x 2 bed studios

4 x 1 bed studios

Plant room

### Third Floor

5 x 2 bed studios

3 x 1 bed studios

Plant room

### Fourth Floor

3 x 2 bed studios

3 x 1 bed studios

Plant room

### Fifth Floor

1 x 3 bed studio

2 x 1 bed studio

Roof terrace and green roof

The one bedroom studios have a minimum size of 22 square metres, the two bedroom studios are all at least 50 square metres and the 3 bed studio is 80 square metres.

Externally the scheme includes the 4 car parking spaces, some areas of landscaping and tree planting. Photovoltaic panels are proposed on the other areas of flat roof. It also proposes creating a loading bay outside the site by moving the existing bus stop further up North Hill.

The scheme originally proposed a new access from the site to the reservoir, but this has been removed from the current proposal.

From north to south the proposal rises from 5 levels (including lower ground floor) adjacent to 43 North Hill to 7 levels on the corner next to the reservoir (including lower ground floor and set back top floor). From west to east, the building is also stepped from 4 levels to 7, also including basement level and set back top floor. The frontages are visually divided into separate blocks, with different finishing materials. Final details of materials have not been submitted, but the use of Plymouth Limestone has been confirmed.

### **3. Pre-application Enquiry**

The proposal for student accommodation was submitted as a pre application enquiry in 2014. The redevelopment of the site was supported in principle, and has been significantly amended to reflect comments from officers and the Devon Design Review Panel in terms of massing, design and concerns about neighbours amenity and access to the site.

In addition formal and informal pre-application consultation events were held during the preparation of proposals, these are detailed in the Statement of Community Involvement.

### **4. Relevant Planning History**

00/01349/FUL Extension to provide beer cellar and lounge – Granted

99/01646/FUL side and rear extension to RAOB – Refused and dismissed at appeal

### **5. Consultation Responses**

Highway Authority – No objection subject to conditions

Public Protection – No objection subject to conditions regulating noise

Economic Development – Support the proposal

Public Health – No objection subject to increased height of balconies for roof garden

Plymouth University – Support the proposal

Lead Local Flood Authority – No objection subject to conditions

Environment Agency – No objection

Natural Infrastructure Team – No objections subject to Section 106 contributions towards local and strategic greenspace and playing pitches and conditions.

Urban design officer– No objection

Historic environment officer – advice received regarding impact to surrounding area.

Historic England – No objection

### **6. Representations**

There have been 23 letters from different people containing objections and 5 letters containing support with one supporting petition of 75 names.

Below is a summary of the concern outlined in all the submitted letters of objection:-

- 7 storeys is too large, overdevelopment, unsympathetic and out of character
- Junction between old and new buildings is jarring
- Too close to reservoir and will look cramped
- It will harm the listed wall and reservoir
- Stone wall in situ should remain with no access to reservoir
- The view from the reservoir to St Matthias Church would be lost
- Creates uncomfortable new building line along reservoir

- Why has Listed Building Consent not been applied for?
- Need to protect historic Skardon Place
- It will dominate nearby property and cause loss of light and privacy.
- Details do not clearly or accurately show existing properties, proposed windows or accurate distances and should include daylight and sunlight assessment
- Will cause light pollution
- The needs of students are put above the needs of residents, who could cause noise and antisocial behaviour to residents and in the park
- Refuse disposal would be insufficient, noisy, not clearly managed and would damage cobbled lane.
- Construction would result in unacceptable noise to neighbours and traffic congestion.
- Not enough parking is being provided and will therefore compound on street parking in nearby areas and result in congestion
- Visitors and students can't be prevented from bringing cars to the site.
- The service lane from Skardon Place is too narrow for access for emergency vehicles and refuse collection and transit vans have only inches clearance
- There are currently 15 car parking spaces not 9 that will be lost
- Businesses won't be able to park and the public car park is always full
- The Box will increase congestion
- The loading bay will block sight lines more than the existing bus stop.
- Contrary to the university's decreasing student numbers and there are sufficient student residences
- Student accommodation should be in Derriford
- Cause imbalance in community, Skardon place is for families
- Skardon place will become part of the campus
- There are no students in Skardon Place, it's for families
- Councillors had promised no more student accommodation.
- Won't just be for postgraduates and international students
- The facilities for the students are poor
- What will happen to uses in the future?
- Developers should have carried out more public consultation
- The loss of the trees and greenspace is unacceptable
- What has changed since previous refusal in 1999?
- Access to the reservoir is restricted at night and is unsafe
- Don't want northern edge of reservoir improved as it will destroy wildlife
- There will be an increase in effluent to the sewage system and details should be agreed at this stage
- The S106 will not benefit local residents
- The applicants claim that the scheme is supported is not true.

- There are not enough facilities or residences for non-students in the city
- Residents are being pushed out by students

The main reasons for supporting are listed below.

- The loss of the parking to the rear and the new loading bay to the front will mean much less traffic using Skardon Place and the rear entrance into the site.
- The size of the development is reasonable and good quality
- It will reduce noise from RAOB as beer garden is going and fewer events will be held.
- It ensures the future of the RAOB social club
- Safeguards family homes from becoming student lets
- Good proximity to university
- Developer has consulted well and taken concerns into account
- Good for city economy
- New bus stop position is safer
- Location will reduce student movement by car
- Cultural benefit for the area
- High quality accommodation like this is needed.

## **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) and the City Centre and University Area Action Plan (CCUAAP).

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 I 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 an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

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:

Development Guidelines Supplementary Planning Document, Sustainable Design Supplementary Planning Document, the Affordable Housing and Planning Obligations Supplementary Planning Document and the City Centre and University Area Action Plan.

## **8. Analysis**

This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

### **Introduction**

8.1.1 This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

8.1.2 The most relevant policies of the adopted Core Strategy are listed below

CS01 – Sustainable Linked Communities

CS02 – Design

CS03 – Historic Environment

CS04 – Future Employment

CS08 – Retail Development

CS13 – Evening Uses

CS15 – Housing Provision

CS18 – Plymouths Greenspace

CS19 – Wildlife

CS20 – Sustainable Resource Use

CS21 – Flood Risk

CS22 – Pollution

CS32 – Designing Out Crime

CS33 – Planning Obligations

## CS34 – Planning Application Considerations

8.1.3 This application also turns on the following proposals of the adopted City Centre and University Area Action Plan, which are listed below.

CC04 – A Sustainable City Centre Neighbourhood

CC05 - Combined Heat and Power, District Heating and Cooling

CC16 – University of Plymouth Campus

8.1.4. The most relevant policies from the submitted Plymouth and South west Devon Joint Local Plan (JLP) are listed below.

DEV1 – Protecting health and amenity

DEV2 – Air, water, soil, noise and land

DEV4 – Playing pitches

DEV6 – Hot food takeaways in Plymouth

DEV12 – Purpose built student accommodation

DEV16 – Retail and town centre uses

DEV20 – Place shaping and quality of the built environment

DEV22 – Development affecting the historic environment

DEV24 – Landscape character

DEV28 – Protecting and enhancing biodiversity

DEV29 – Green and playspaces

DEV31 – Transport

DEV32 – Community infrastructure for new homes

DEV33 – Waste management

DEV32 – Low carbon

DEV36 – Community Energy

DEV37 - Flood risk

SPT2 – Sustainable linked neighbourhoods and sustainable rural communities

SPT9- Strategic principles for transport planning and strategy

SPT10 - Balanced transport strategy for growth and healthy and sustainable communities

8.1.5 The principle issues relating to this application are considered to be the principle of development in this location, impact of the use on residential amenity and the character of the area, the effect on heritage assets and the visual amenity of the area, standard of accommodation, transport issues and the impact on environmental quality. These issues are covered by policies from the adopted and emerging development plan. The emerging plan, that is currently being examined, raises additional issues and requires the development to show need and that it is future proof.

Strategic policies PLY7 and PLY17 allow for PBSA in the city centre and at the university respectively, but again only where there is a need and it targets regeneration benefits. Outside of these areas, which this proposal is, the main new submitted policy for student accommodation is DEV12.

### The principle of purpose built student accommodation (PBSA)

8.2.1 The Council's planning policy framework in the form of the adopted Core Strategy, AAPs and emerging JLP supports the provision of purpose built student accommodation, as outlined below.

8.2.2 At the strategic level policy CS15 of the Core Strategy identifies that new homes are required to meet the current and future needs of the population including students.

8.2.3 The application site is located within policy CC16 of the City Centre and University AAP which supports mixed use development and identifies that the area will evolve into a high quality mixed use campus with areas of student accommodation. Therefore this development would be supported in principle through this AAP.

8.2.4 The City Centre and University AAP identifies that the focus of the activity within the campus will be ensuring that all first year students have the offer of purpose built accommodation. The University support the application as it provides the sort of accommodation that is sought by international students, some of which will be in their first year.

8.2.5 The Development Guidelines Supplementary Planning Document states that PBSA in accessible locations with on site management staffing relieves pressure on family sized dwellings and reduces the need for students to commute by car. The council supports this form of development as long as it is well designed a decent standard and located to minimize negative impacts on residential amenity.

8.2.6 Strategic objective SO2 of the emerging JLP supports further investment in the university to strengthen Plymouth's role in the region. The emerging policy DEV12 would only support the principle of PBSA if it can meet a series of tests including ensuring that it is responding to a clear need and is future proofed. This policy responds to prevent an over- supply of student accommodation and to protect residential amenity. The policy also acknowledges that it is important to continue to meet the needs of students for this type of application.

8.2.7 The National Planning Policy Framework (NPPF) makes no direct reference to the housing requirements of students; however, the Framework is clear that plan areas should provide a wide choice of quality homes that are inclusive. Furthermore, NPPF Paragraph 50 encourages LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

8.2.8 The existing adopted policies are therefore supportive of the principle of PBSA in this location.

8.2.9 Although the emerging policy DEV12 cannot be given significant weight and there have been objections to it, it is worth considering the proposal against the tests that it asks:

8.2.10 Criteria 1. The development meets an identified need for the type of accommodation proposed.

8.2.11 The proposal has been designed to meet the need of PBSA for post graduate and international students. The accommodation will be of a similar model to that in the recently developed Aspire student accommodation on Mayflower Street. The University has submitted a letter saying that they support the need for this type of accommodation.

8.2.12 The applicant has provided evidence from a student letting company dealing with the Aspire accommodation. The letting agency have confirmed that the Aspire accommodation for the year 2017/18 was fully booked by May, and that in essence they could have let this accommodation three times over. For 2018/19 there were booking to fully let the accommodation from November, and a waiting list for 2019/20 is already being created for those that have been unsuccessful this year. The make-up of the student demographic for 2017/18 was 75% International, 10% Post Grad, 10% Last year students 5% mature student. The letting agency confirm that they would expect a similar mix for this year.

8.2.13 In addition there are also statements provided from the Resident Student Ambassador at Aspire House and the resident warden of Morley Court which is an adjacent residential community made up largely of mature residents. Both statements are very positive about the standard of accommodation at Aspire and the success it has had for both the student residents and for the surrounding community. The same standard would be provided in this proposal.

8.2.14 Our own student accommodation figures conclude that 44% of students would not be able to access PBSA including pipeline developments.

8.2.15 At the strategic level policy CS15 of the Core Strategy identifies that 17,250 new homes are required to be built in the city by 2021, and these are required to meet the current and future needs of the population including students. The Core Strategy does not go any further in terms of dealing with PBSA.

8.2.16 The Development Guidelines SPD contains detailed guidance (paragraphs 2.8.46-2.8.54), including detailed guidance on transport considerations and standard of accommodation. Paragraph 2.8.46 is particularly relevant in setting the general approach:

“16. Purpose-built student accommodation in the form of cluster flats and studio developments, in accessible locations, with on-site management staffing, relieves the pressure on family-sized dwellings in popular locations such as Mutley and Greenbank and Derriford and reduces the need for students to commute by car. The Council supports this form of 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.”

8.2.17 In considering this planning policy and the evidence provided by the applicant officers consider that there is an identified need that will be met.

8.2.18 Criteria 2. The development is in an appropriate location, which is easily accessible to university/college facilities by sustainable travel modes.

8.2.19 The site lies within the University Campus as defined by policy CC16 the adopted CCUAAP and is therefore located in a sustainable location where the principle of student accommodation is accepted.

8.2.20 Criteria 3. The proposal does not result in an excessive concentration of student accommodation in one locality.

8.2.21 In terms of PBSA in the area the nearest is the University's Mary Newman building which offers 157 bed spaces and Francis Drake Hall offering 329 bed spaces within the campus.

8.7.22 Therefore although a building containing 66 students will clearly intensify the numbers of students in the locality, it is not considered that this would be excessive given it would be situated within the University campus.

8.2.23 Criteria 4. The proposal should not result in the harmful loss of an existing use.

8.2.24 There would be no loss of the existing use, as the social club is retained as part of this development.

8.2.25 Criteria 5. The layout, design and facilities provided within the development is of a high standard and meet identified student needs including adequate laundry provisions, communal space and social learning facilities.

8.2.26 The accommodation proposed has been designed to be of a high standard in order to meet the needs of international and post graduate students. At 50 square metres the majority of units meet the nationally described space standards for a 2 person flat for market occupation. The one person units are smaller than described for market housing, but these units are considered to be acceptable for students given the communal facilities provided in the building.

8.2.27 Other facilities that will be provided include a laundry, student common rooms, a roof terrace and cycle storage. The accommodation is therefore considered to be of a high quality and would meet an identified student need.

8.2.28 Criteria 6. The development does not conflict with adjacent uses or the general amenity of the surrounding area.

8.2.29 The surrounding area provides a mix of uses: North Hill is a busy commercial area, there is a residential street to the north in Skardon Place, and there is the reservoir and university to the south. Due to its proximity, the university has a big influence on the character and balance of uses in the area, creating a vibrancy and vitality for this part of North Hill. Officers consider that an

additional 66 students living this close to the existing university would not be so significant as to alter this character or create an unbalanced community.

8.2.30 One of the main considerations is whether the proposal would impact on the residential amenity of the area. There have been a number of representations, especially from residents in Skardon Place that this number of students would create an imbalance of uses and change the character of the area. Objections from local residents also relate to how light, outlook and privacy from individual homes would be affected. These impacts have been carefully assessed. The Development Guidelines Supplementary Planning Document provides the starting point for looking at these issues.

8.2.31 In terms of dominance and light loss the properties that would be primarily affected are the cottages in Skardon Place. The rear elevations of these properties face on to the site. There are very few windows in these elevations. Numbers 3a and 4 have no ground floor windows, but have small balconies with glazed doors, but no windows directly facing the site. Number 3 has a small window at ground floor to a kitchen. Number 2 has one small kitchen window at ground floor level, a bathroom at first floor level and a bedroom on the second floor. Number 1 has no windows in the rear elevation, but has roof lights. These properties do not therefore rely heavily on the outlook to the south and obtain most of the light and outlook from Skardon Place. The north elevation of the proposed building would be 17m to 19m from the rear elevations of these properties. To put this into context, the buildings facing each other on North Hill are in the region of 21 m apart, on Skardon Place they are 9m. The guidelines state that 'in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should normally be at least 12 metres. This distance should be increased for a three-storey development, normally to at least 15metres'. There are few habitable room windows that will be affected and the distance from the proposed building to properties at 3, 3a and 4 Skardon Place exceed this distance and are therefore considered to be acceptable. Of course the 6 storey element will also affect light and outlook, but to the west these 3 properties, including roof gardens, will continue to have a similar outlook to that currently enjoyed. In addition number 3 will benefit from the removal of a small part of the RAOB building. Number 2 has three small windows and directly faces the 6 storey section of the proposed building. Again though, they are very small windows and the occupier of the property has written in support of the proposal as they consider the benefits of the loss of the RAOB beer garden and the removal of the general car parking to the rear would improve amenity.

8.2.32 Number 5 Skardon Place is also adjacent to the site. The main elevation faces directly south towards the Reservoir and does not look directly face the site. The 3 to 4 storey element of the proposed building would be 15m from the boundary of the garden and 15m from the bay windows on all 3 levels of the house. The presence of the proposal will be apparent from the garden and when looking out from the rear and slightly to the east. The relationship doesn't however conflict with the development guidelines and although it will affect the outlook and light from this house and garden it is not considered to be so harmful as to justify refusal on these grounds.

8.2.33 Number 43 North Hill is also adjacent to the site. It is currently in business use and although the ground floor will be affected it is already hemmed in by the existing buildings at RAOB, refusal on this basis is not justified.

8.2.34 Other properties are considered to be a sufficient distance from the site to not be affected in terms of light and outlook.

8.2.35 The developer has submitted a BRE light assessment with the application. The report concludes that the development passes the BRE assessment in terms of overshadowing and sunlight. There is one window, a bedroom window to number 2 Skardon Place that fails the vertical sky test, by a small margin. This is described in the assessment as having a low impact. The occupier of this property is aware of the development and has written in to support the development.

8.2.36 On balance it is considered that the light and outlook to these properties would not be so harmed to justify refusal.

8.2.37 Privacy has also been raised as a concern from Skardon Place. The rear windows on the proposed building have been designed so that they do not directly overlook the rear of properties to the north in Skardon Place. Those west facing windows above the RAOB building would not directly face the small windows in the rear of 2 and 3 Skardon Place and would be 16 to 18 distance away. The terrace roof gardens and doors to the rear of 4 and 3a are already partly screened and would continue to be so by the property at number 3. The overlooking of these properties is not considered to be severe enough to justify refusal.

8.2.38 The nearest window facing 5 Skardon Place is 25m from the garden and nearest window. The development guidelines suggest 28 m or more would be ideal for facing windows. These windows do not face each other and therefore 25m is considered to be adequate to protect privacy.

8.2.39 The area is characterised by buildings of different styles and juxtapositions. It is a busy part of the city being close to the centre, the university and a main route into the city. The existing relationships between the properties and this location make up the character of the area, and it is considered that this development is in keeping in terms of its relationships with its neighbours. For the reasons given above, the proposal is considered to be acceptable in terms of outlook, light and privacy and does not conflict sufficiently with policy CS34 of the Core Strategy, the Development Guidelines Supplementary Planning Document or policy DEVI of the JLP to justify refusal on these grounds.

8.2.40 Concerns have also been received about antisocial behaviour and noise from occupants, especially from the residents of Skardon Place. The design of the layout means that the primary access is on North Hill. Students would in practice, have very little reason to use the entrance to the rear via Skardon Place, other than to park a bike. The shared spaces are either inside the building or facing away from the closest existing residential properties. The proposal is so close to the reservoir that this is likely to be the main external amenity space. Of benefit would be the loss of the exterior beer garden for the RAOB social club, which has the potential for noisy behaviour.

8.2.41 Concerns have been expressed about the external stairs outside the common room being used as a place to congregate. The applicant has confirmed that the access is for emergency only and will be managed as such.

8.2.42 The application has been accompanied by a management plan, which sets out the protocol for students who may cause persistent nuisance. This accommodation would be managed 24 hours a day and residents would be able to contact a person at all hours of the day if there are issues with noise or behaviour.

8.2.43 The application was accompanied by a refuse statement, which following representations, has been clarified. There have been objections that the collections would not be frequent enough and it was unclear how these collections would be managed. The applicant has confirmed that for the student accommodation both recycling and general waste collection would be increased to weekly. The students would be responsible for putting the waste in the bins within the building and these would be put out and collected by the property manager. The refuse truck would park where it does currently and the manager would wheel the bins along the narrow cobbled lane and back again at collection time. Street Services has confirmed that they would not collect from within the site. The refuse for the RAOB and the commercial units would be picked up from the front of the building on North Hill. Bins will not be left out in the street but there will inevitably be a certain amount of noise when the refuse men wheel the bins out along the lane. This is unlikely, however, to cause such nuisance to justify refusal and timings have been conditioned to limit nuisance. There has been no comment from Public Protection in this regard and balanced against this there would be fewer vehicular movements into the rear of the property which would cut down on noise.

8.2.44 The neighbour at 43 North Hill has expressed concern about noise during construction. This will be limited via a code of construction, but is likely to cause temporary disturbance during the day.

8.2.45 On balance the proposal is not considered to be likely to result in unacceptable loss of amenity to neighbouring properties and is considered to comply with policies CS15 and CS34 of the Core Strategy, the development guidelines supplementary planning document and DEVI of the JLP.

8.2.46 The continuation of mixed uses, and in particular student accommodation in this area is supported in policy terms by the City Centre and University Area Action Plan. This Area Action plan states that 'a high quality mixed use campus, incorporating education-led mixed use development with active ground floor uses which will contribute to the street level vibrancy of the campus, together with areas of student accommodation.' On this basis the inclusion of student accommodation with commercial on the ground floor is encouraged for the area in principle.

8.2.47 Therefore having assessed the proposal in relation to the adjacent uses it is not considered that there would be significant harm to the general amenity of nearby residents or the surrounding area. The proposal is therefore considered to meet this criteria and comply with CS01, CS02 and CS34 of the Core Strategy and the Development Guidelines Supplementary Planning Document.

8.2.48 Criteria 7. Appropriate management plans are submitted ensuring that a positive and safe living environment is created for students and to minimise the potential negative impacts on the local community.

8.2.49 A detailed management plan has been submitted by the applicant. Details submitted include security arrangements, monitoring, the complaints procedure, building maintenance and traffic management.

8.2.50 The staffing on site includes a hall manager and assistant with a team of caretakers to cover 24 hours on site. In addition a telephone helpdesk will be available to residents and the local community to report incidents. Access to the building is from North Hill using a swipe card. Staff will investigate complaints and the ultimate sanction is eviction. All public areas inside and out will be monitored using CCTV. Staff will regularly inspect the building to ensure that the building is well maintained inside and out.

8.2.51 The management plan is considered to be appropriate and a condition is suggested to secure these arrangements.

8.2.52 Criteria 8. Detailed arrivals plans are submitted ensuring that adequate facilities are in place to accommodate vehicular movements in particular at the start and end of terms.

8.2.53 Students are advised that the development is car free and with no parking nearby. Arrival plans have been submitted to ensure that adequate facilities are in place. The arrivals plan is based on the expected demographic. The early pre-let interest shows that more than 75% of the potential RAOB intake will be international students who have committed to commence their studies at the University.

Once a commitment has been made to the University they work with the Aspire Student Living block management team and the letting agent (Clever Student Lets) to determine the arrival plan. The University Student Services Team contact the student to review travel arrangements and their preferred method of transport between the London International airports and Plymouth. Student Services offer bespoke meet and greet services for students at the major airport. Students then arrive independent in Plymouth, either accompanied by their travel provider or by taxi from the train station and are taken to the University. Following this visit to PUIC to collect and sign forms, they are met by a letting agent representative from Clever Student Lets and escorted to the RAOB building.

These arrangements have been tried and tested at the other Aspire student accommodation and work successfully.

8.2.54 Criteria 9. All proposals are future proofed in terms of design to support potential alternative uses as appropriate.

8.2.55 At officers request further plans have been submitted which shows how the proposal has been future proofed. Most of the student accommodation is large enough that it could be easily converted to residential flats, and the applicant has demonstrated how those smaller units could be adapted to create residential apartments.

8.2.56 As a car free residential use would be acceptable in this location, this policy criteria has been addressed.

8.2.57 Criteria 10. The levels of on street parking required can be reasonably accommodated or regulated through parking control measures.

The controlled parking measures are already in place and facilitate car free development in the majority of the surrounding area.

8.2.58 Criteria 11. There is adequate storage for recycling/refuse and cycles.

There is adequate cycle provision and refuse storage within the building, and a refuse strategy has been submitted by the applicant. This details where refuse will be stored and where and when it will be collected. These details are considered to be adequate.

8.2.59 Having assessed the proposal against the above criteria Officers consider that the development can meet the requirements of the emerging policy DEV12. The emerging policy has received objections and cannot therefore be given significant weight when balanced against the existing policies.

8.2.60 In demonstrating that policy DEV12 can be met together with SPT2 and given that the principle of student accommodation in this location is supported by existing policies CS15, CC16 of the City Centre and University Area Action Plan and the Development Guidelines SPD, the principle of PBSA here is supported.

#### The principle of the ground floor uses

8.3.1 Alternative ground floor uses of retail (A1), financial and professional services (A2), restaurant and café (A3) and business (B1) have been put forward because the end user has not yet been secured. Although the use is a town centre use and this is not a town centre location, the creation of active frontage along this busy part of North Hill is considered to be important for the street scene. The unit is small and would not impact on the vitality and viability of the city centre and is below the threshold for an impact assessment to be necessary. On balance in terms of retail assessment, cafe, office or shop would be acceptable in this location. In terms of amenity of neighbouring uses, further details of ventilation and opening hours may be required by condition and public protection has requested sound insulation conditions to ensure the use would not harm the residential amenity. The proposal is not considered to conflict with policies CS08 and CS13 of the Core Strategy, DEV16 of the JLP and the requirements of the NPPF.

#### Design and massing

8.4.1 Concerns have been expressed from local residents about the proposal being too large and out of keeping, but there has also been support for the design.

8.4.2 The scheme as first submitted at the pre application stage was for a development that was between 8 and 5 storeys (without roof top set back and basement level). The proposal was considered by the Design Review Panel and the scale and massing was reduced because the corner element was considered to be too high. Additionally the elevation fronting Drake's Reservoir has also been reduced to minimise the impact on the reservoir and the nearby residences. Significant other improvements have been incorporated at pre application and application stage, to ensure that the proposal complies with the suggestions of the design panel, breaks up the massing and provides a satisfactory design that officers can support.

8.4.3 From an urban design perspective the buildings' footprint and massing is supported. The development would optimising the use of the site and would have a positive relationship with the scale of adjacent buildings and spaces. The massing reflects the University buildings that successfully front the reservoir.

8.4.4 The eastern elevation is a natural continuation of the adjacent North Hill buildings in terms of the vertical rhythm and scale. The building forms a strong end-stop while achieving continuity of building line on the North Hill frontage. The height increases as the levels fall, and it provides a strong end to this terrace. The proposed active ground floor frontage is welcomed in terms of creating vibrancy and natural surveillance at street level on this elevation.

8.4.5 The southern elevation similarly responds to the existing architecture. The reduction in height taking into account the existing residential properties that back on to the reservoir. The building's contemporary architectural language is supported and relates to the Nancy Astor Building across the water. Maximising the amount of glazing and creating interest through use of materials and balconies is supported.

8.4.6 The north and west walls have been broken up visually using obscure glazed windows and by appropriate modelling and materials. In addition oriel windows add interest to the north elevation and are a useful device in terms of safeguarding adjacent residential amenity, minimising any direct overlooking of residential windows.

8.4.7 The use of high quality materials is important due to its close proximity to the grade 2 listed Drakes Reservoir and it is considered that the use of Plymouth limestone in the elevations will be an important element in securing a strong link to local character and geology.

8.4.8 It is considered that the use of glazing and spandrel panels to clad the attic element would be sufficiently reflective to give a lightweight appearance to this element of the building. The set back would reduce the impact of this element of the building, reducing it visually from street level and from Drakes Reservoir.

8.4.9 The principle of metal cladding is supported, but full details need to be provided via condition, to ensure the system proposed has suitable quality, robustness, colour and longevity.

8.4.10 Render is a locally distinctive material and can be supported on the limited scale shown, providing it is a high quality silicone system, with water and dirt repellence, to avoid staining and algae growth.

8.4.11 Although the preference would be to keep the materials palette simple and see the use of Plymouth limestone replace the proposed sections of blockwork, it is acknowledged that significant areas of limestone are proposed elsewhere. The use of blockwork can be therefore considered in non-public areas, but the colour and detail needs to be agreed so that it marries well with Plymouth limestone.

8.4.12 The proposed sedum roof is positive in terms of rainwater run-off attenuation, biodiversity and visual amenity.

8.4.13 There have been concerns expressed about blocking views from the Reservoir, but the scheme is not considered to result in the loss of any significant strategic views, which are mainly to be had from North Hill rather than the reservoir.

8.4.14 The proposal is therefore considered to comply with Policy CS02 of the Core Strategy, Sustainable Design Supplementary Planning Document and DEV 20 of the JLP in terms of design and massing.

### Heritage

8.5.1 The development has been reduced in height, since the original pre application submission, to accord with the original requirements of the Design Panel, the Historic Environment Officer and Historic England. There had been concern that the original prominent corner design would unacceptably affect the character of the grade 2 star listed Sherwell Church.

Officers at Historic England have been consulted on this amended application, specifically to assess the impact on these listed buildings and have confirmed that they have no outstanding objection.

8.5.2 The Historic Environment Officer has not objected to the proposal, but has expressed concerns that due to the height of the development and its proximity to heritage assets there will be a degree of less than substantial harm.

8.5.3 The specific concerns are that it would draw attention from and affect views to Sherwell Church to the south (Grade 2 star), St Matthias Church ( Grade 2) and the undesignated heritage assets of Queen Anne's Terrace, Sherwell House and Skardon Place and would have a visual impact on Skardon Place and Drake's Reservoir, which is otherwise an open area.

8.5.4 In order to reduce further the impact of the development on the reservoir and Skardon Place, specific changes were recommended by the Historic Environment Officer, which have made the roof set back more reflective, increased the level of glazing and bracing up all the elevations to reflect the pattern of existing development. In addition the use of Plymouth limestone for significant areas of the main frontages has been secured. These changes are considered to further reduce the impact of the development on these assets and therefore reduce further the less than substantial harm.

8.5.5 The introduction of a new building on this site will change the views of neighbouring listed buildings and this has been raised as a concern by the historic environment officer. However the main public views of these buildings will not be significantly affected and again this is considered to be less than substantial harm.

8.5.6 St Matthias Church is situated farther up North Hill on the eastern side of the road. It will remain in view from North Hill and from significant areas of Drake's Reservoir. A view of part of the tower will be lost from south eastern end of Drakes Reservoir, but this view of the church is already

partly obscured by the existing buildings and so the harm is not considered to be unacceptable. Views to Queen Anne's Terrace will not be affected from North Hill. The current views of the southern side of Skardon Place from Drakes Reservoir are already restricted by existing walls and trees and the development would have very little impact in this respect.

8.5.7 The existing buildings at 41 North Hill are poor quality with untidy external stairs and extensive flat roof rear extensions. The current view of the site from Drake's Reservoir is therefore disappointing. Officers consider that the proposed new development, which addresses the Reservoir and introduces a well-designed building with large areas of glass to reflect the water in the reservoir and makes use of high quality materials would improve the view from Drakes Reservoir. The extensive use of Plymouth limestone would create a building with a strong visual link its surroundings that would make a positive contribution in terms of view, heritage and street scene.

8.5.8 The view of Sherwell Church would be slightly affected from higher up North Hill, but the impact of this has been assessed by officers at Historic England, who have not objected. The buildings are separated by the Drakes Reservoir and gardens and the development is not therefore considered to detract from or block views to this church.

8.5.9 The development is not therefore considered to significantly affect any important local or long distance views, or block/ detract from any views of heritage assets. The development will improve on what is currently on the site and is considered to contribute positively to the street scene and the setting of the reservoir.

8.5.10 Officers consider that the harm to the setting of the listed Drake's Reservoir and to Skardon Place, which is an undesignated heritage asset, is less than substantial harm due to height and massing. Where a development would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

8.5.11 The benefits of this proposal are that it optimises the use of the site and meets a housing need identified by the university. Its use by students will continue to shift student accommodation from family homes in the area and in this way contribute to wider housing needs of the city. The proposal would replace an untidy development in a prominent site with positively designed building that makes a contribution to local distinctiveness through use of high quality and local materials that reflect the water of the reservoir. In addition contributions to the natural environment and infrastructure are proposed.

8.5.12 On balance the benefits of the proposal in providing additional residential accommodation are considered to outweigh any harm, caused by height and massing, to Drake's Reservoir and the proposal responds positively to the Reservoir and surroundings in terms of design. The proposal is considered to comply with CS03 of the Core Strategy, DEV22 and the NPPF.

## Transport

8.6.1 The site is highly accessible and is within a controlled parking zone; as such a development without parking is considered to be acceptable by the Highway Authority. The Council's policy is to

exclude new developments from being eligible for obtaining permits or visitor tickets for use within the scheme.

8.6.2 The proposal includes 3 parking spaces to the rear, which will be made available for the RAOB club and for daily use, but will be used by students on drop off and pick up days and managed by the management company. There is also one disabled parking space which could be made available for student use if necessary. The loss of the existing spaces is considered to be acceptable as the club membership has declined over the years and the controlled parking prevents impact on the local highway network.

8.6.3 An internal secure cycle store for 22 cycles is proposed. This provision is considered to meet the standards as identified within the Development Guidelines Supplementary Planning Document.

8.6.4 To service the development the existing bus stop would be located northwards and replaced with a loading bay. This reduces the need to use the narrow access from Skardon Place, which has been a concern of local residents and is supported by the Highway Authority. The process will need to be subject to a Traffic Regulation Order. The new position of the bus stop will replace 3 limited waiting parking spaces. Other parking spaces are available nearby and there is a car park close by. The benefit of a dedicated loading bay is considered to outweigh the loss of these limited spaces. The use of the loading bay will not be limited to the development and will also benefit other businesses nearby.

8.6.5 The ground floor commercial uses proposed are A1 (retail), A2( financial and professional services) or A3 (restaurant and cafe).

8.6.6 It should be noted that in this location a hot food takeaway would be likely to give rise to indiscriminate parking and therefore could not be supported. A condition restricting this use is therefore suggested.

8.6.7 Subject to appropriate conditions, there are no objections to the proposal from the Highway Authority, which is considered to comply with CS28 of the Core Strategy, DEV31 of the JLP and the NPPF.

#### Natural environment and wildlife

8.7.1 The site as existing contains a number of small trees, but none of high amenity value that means that they must be protected. The ecological survey and the Natural Infrastructure Team confirm that there are no known features or species of significant ecological value that would be lost as a result of this development.

8.7.2 The proposal includes replacement trees along the western boundary, together with planters and an area of sedum roof. A condition is required to ensure details of the size of planting, maintenance and compliance. These works are considered to be sufficient to comply with policies CS19 of the Core Strategy, DEV28 of the JLP and the NPPF.

## Drainage

8.8.1 The site is in flood zone 1 and the critical drainage area and the site is not appropriate for infiltration drainage. It has therefore been necessary for the scheme to incorporate geocellular storage underneath the car park area, with permeable paving to limit run off to acceptable levels. The site will then discharge to the combined sewer in Skardon Place. Although there has been concern about the extra discharge from local residents, the lead local Flood Authority has confirmed that subject to a pre commencement condition requiring further details the proposal complies with CS21 of the Core Strategy, DEV2 of the JLP and the NPPF.

## Sustainability

8.9.1 The submitted Energy Statement concludes that photovoltaic panels would be the most efficient technology for meeting the requirements of CS20 of the Core Strategy. These panels are proposed for the majority of the roof area. In addition the site falls within the University campus area and is therefore designed to meet the requirement to be able to connect to a future heat network connection. Subject to conditions requiring the implementation of these works the proposal complies with policy CS20 of the core strategy, CC05 of the City Centre and University Area Action Plan and the NPPF. The emerging JLP policy increases the requirement to provide renewable energy, but this policy is not yet adopted and there are objections to this element of the proposed policy, it therefore does not outweigh the adopted policy.

## Other matters raised by letter of representation

8.10.1 Concern has been expressed about whether the foundations for the development would harm the reservoir wall or the reservoir itself. The applicant would be responsible for ensuring neighbour safety and this would not be justification for refusing the planning application.

8.10.2 A planning application was refused in 1999 for an extension to the RAOB club at first floor level above the existing ground floor rear extension. Being on the boundary and at a distance of 6m from rear windows of properties in Skardon Place the proposal was considered to dominate, cut out light and cause disturbance to these properties. The box like design was also considered to be unacceptable.

## 5 year housing land supply

8.11.1 When determining applications for residential development it is important to give consideration to housing supply.

8.11.2 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”

8.11.3 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.”

8.11.4 For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

8.11.5 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...”

8.11.6 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”

8.11.7 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.

8.11.8 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 SPT3 of the Plymouth and South West Devon Joint Local Plan.

## **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 £174,109.82

## **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.

Obligations have been agreed with respect to natural infrastructure projects.

£15,599.71 for Local Greenspace, for the provision and maintenance of facilities at Beaumont Park

£28,359.37 for Playing Pitches for the provision and maintenance of playing pitch facilities at Victoria Park

£34,794.12 for Strategic Greenspace for the provision and maintenance of Mayflower arboretum.

The agreed management fee would be £2001.

## **12. Equalities and Diversities**

The proposed accommodation would provide accommodation for a wide range of prospective students including ground floor accommodation and parking for students with disabilities. The proposal is considered to comply with policy CS34 of the Core Strategy and DEV1 of the Plymouth and South West Devon Joint Local Plan.

## **13. Conclusions & Reasons for the Decision**

In assessing this application the impacts of this development on the grade 2 listed Drake's Reservoir and on nearby residential properties have been balanced against the overall benefits of the scheme. The public benefits of this proposal are that it optimises the use of the site, meets a housing need identified by the university and supports its growth. Its use by students will continue to shift student accommodation from family homes in the area and in this way contribute to wider housing needs of the city. The proposal would replace an untidy development in a prominent site with a positively designed building that makes a contribution to local distinctiveness through use of high quality and local materials. In addition contributions to the natural environment and infrastructure are proposed, while at the same time protecting the amenities and character of the existing community.

The proposal is considered to meet the criteria for sustainable development and Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that on balance the proposal accords with policy and national guidance and specifically the Local

Development Framework and the City Centre and University AAP and is therefore recommended for conditional approval.

#### **14. Recommendation**

In respect of the application dated **27.11.2017** it is recommended to **Grant subject to S106 Obligation with delegated authority to Assistant Director for Strategic Planning & Infrastructure to refuse if timescales are not met.**

#### **15. Conditions / Reasons**

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

##### **I        CONDITION: APPROVED PLANS**

Proposed North Elevation and South Elevation I439.SK114 Rev C received 05/02/18

Proposed North Hill Elevation / Section A-A I439.SK118 Rev B received 05/02/18

Proposed East and West Elevation I439.SK115 Rev C received 05/02/18

First Floor Plan Site Lines I439.SK116 - received 06/11/17

Proposed Lower Ground Floor Plan I439.SK103 Rev H received 31/01/18

Proposed First Floor Plan I439.SK105 Rev H received 31/01/18

Proposed Roof Plan I439.SK110 Rev H received 31/01/18

Proposed Third Floor Plan I439.SK107 Rev J received 31/01/18

Proposed Fifth Floor Plan I439.SK109 Rev H received 31/01/18

Proposed Second Floor Plan I439.SK106 Rev H received 31/01/18

Proposed Fourth Floor Plan I439.SK108 Rev H received 31/01/18

Proposed Ground Floor Plan I439.SK104 Rev H received 31/01/18

Proposed North Hill Elevation / Section A-A I439.SK118 Rev A received 31/01/18

Proposed East and West Elevations I439.SK115 Rev B received 31/01/18

Proposed Sight Lines I439.SK116 Rev A received 31/01/18

Proposed North Elevation and South Elevation I439.SK114 Rev B received 31/01/18

Proposed Section B-B & Section C-C I439.SK119 Rev A received 31/01/18

Proposed Lower Ground Floor Plan I439.SK 103 Rev H received 25/01/18

Proposed Ground Floor Plan I439.SK 104 Rev H received 25/01/18

Proposed First Floor Plan I439.SK 105 Rev H received 25/01/18

Proposed Second Floor Plan I439.SK 106 Rev H received 25/01/18

Proposed Third Floor Plan I439.SK 107 Rev J received 25/01/18

Proposed Fourth Floor Plan I439.SK 108 Rev H received 25/01/18

Proposed Fifth Floor Plan I439.SK 109 Rev H received 25/01/18

Proposed Roof Plan I439.SK 110 Rev H received 25/01/18

Proposed North and South Elevations I439.SK I14 Rev B received 25/01/18

Proposed East and West Elevations I439.SK I15 Rev B received 25/01/18

Proposed Site Lines I439.SK I16 Rev A received 25/01/18

Proposed North Hill Elevation and Section A-A I439.SK I18 Rev A received 25/01/18

Proposed Section B-B and C-C I439.SK I19 Rev A received 25/01/18

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: PROVISION OF DRAINAGE WORKS**

### **PRE-COMMENCEMENT**

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

a) Written confirmation from SWW approving the discharge of surface water to the combined sewer should be submitted, including agreed surface water discharge rates before the drainage proposals are accepted.

For developments in a Critical Drainage Area discharging to a sewer, discharge rates should be limited to 1 in 10 year greenfield run off rates with on-site attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection with a 40% allowance for climate change. The minimum discharge rate is considered to be 1.5l/s.

b) Confirmation of ownership and responsibility of the proposed drainage system should be submitted.

c) A detailed design drawing of the proposed surface water drainage system should be submitted showing invert and cover levels.

c) 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

- d) A CEMP should be submitted that include methods that describe how surface water run off is to be managed during construction to reduce the risk of pollution and to the water environment.

Reason:

To ensure that satisfactory infrastructure works are provided 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: Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

#### **4 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 and CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012

Justification: To ensure that the construction details would not cause harm to amenity or cause highway congestion before works commence.

#### **5 CONDITION: EXTERNAL MATERIALS**

##### **PRE-CONSTRUCTION**

No construction 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.

## **6 CONDITION: SURFACING MATERIALS**

### PRE-CONSTRUCTION

No construction shall take place until details of all materials to be used to surface external areas 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.

## **7 CONDITION: FURTHER DETAILS**

### PRE-CONSTRUCTION

No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: glazing (including details of obscure glazing where necessary), ceramic backed double glazed spandrel panels, window reveals and design details, balcony details, boundary details and details of the junctions between materials. The works shall conform to the approved details and thereafter be retained as such.

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, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012.

## **8 CONDITION: LANDSCAPE WORKS IMPLEMENTATION**

### PRE-OCCUPATION

All hard and soft landscape works shall be carried out in accordance with the approved details shown on the landscape ecological management plan dated 27th November 2016. 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## **9 CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

### PRE-OCCUPATION

The development hereby proposed shall not be occupied (excluding the retained private members club) until such time that the applicant has sought to undertake full consultation on the proposed amendments to the existing highway shown on drawings to be submitted to and approved in writing by the Local Highway Authority incorporating all associated works to relocate the bus stop

infrastructure on North Hill; Installation of the proposed loading bay; and removal of on-street parking bays and associated signing and lining. All Traffic Regulation Orders / amendments must be in place to ensure all works are completed, to the satisfaction of the Highway Authority prior to occupation of the residential and commercial units.

Reason:

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

## **10 CONDITION: CYCLE PROVISION**

### **PRE-OCCUPATION**

The residential accommodation hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan for 22 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

## **11 CONDITION: TRAVEL PLAN**

### **PRE-OCCUPATION**

The residential accommodation 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 staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and 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, and paragraphs 32 and 34 of the National Planning Policy Framework 2012.

## **12 CONDITION: BIODIVERSITY ENHANCEMENT**

### **PRE-OCCUPATION**

Prior to occupation of the residential accommodation hereby approved, the development shall be carried out in accordance with the Preliminary Ecological Appraisal (dated 29/6/16) for the site which includes recommendations for enhancements and opportunities for the site.

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, and paragraph 118 of the National Planning Policy Framework 2012.

## **13 CONDITION: PROVISION OF PARKING AREA**

### **PRE-OCCUPATION**

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

Reason:

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

## **14 CONDITION: SUSTAINABILITY**

### **PRE-OCCUPATION**

The development shall be completed in accordance with the submitted Energy Statement. This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size and location. The applicant shall provide to the Local Planning Authority details of the locations and height of the on-site Photovoltaic Cells for approval. The 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.

In addition the applicant shall ensure that the development has been designed to be compatible with and allow future connection to a local district heating network in line with current best practice details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF and 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.

## **15      CONDITION: FURTHER DETAILS**

### **PRE-OCCUPATION**

The residential accommodation hereby approved shall not be occupied until a privacy screen is erected on the roof terrace in accordance with details that have been previously approved by the Local Planning Authority. The approved details shall be implemented before the building hereby permitted is first occupied and thereafter retained.

Reason:

To maintain the residential amenity of neighbouring property in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012.

## **16      CONDITION: REFUSE DETAILS**

### **PRE-OCCUPATION**

Notwithstanding the submitted information, further details of how the refuse and recycling will be managed and collected should be submitted to and approved in writing by the Local Planning Authority, before the residential accommodation is first occupied. The management and collection of the refuse and recycling shall thereafter comply with the approved details.

Reason:

To maintain the residential amenity of neighbouring property in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012.

## **17      CONDITION: COMMERCIAL UNIT- FURTHER INFORMATION**

Notwithstanding the submitted information, further details of the ventilation/extraction equipment and sound insulation for the commercial unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall comply with the approved details.

Reason:

To ensure that the proposal complies with the requirements of policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy 2007.

## **18      CONDITION: 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, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

## **19      CONDITION: OPENING HOURS**

The commercial use hereby permitted shall not be open to customers outside the following times: 08:00 to 23:00 hours.

Reason:

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

## **20      CONDITION: DETAILS OF TREE PLANTING**

The plans and particulars of the landscaping works submitted in accordance with the landscaping condition above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

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

## **21      CONDITION: NO HOT FOOD TAKEAWAY**

The premises shall not be used for the sale of any hot food for consumption off the premises.

Reason:

The use of the premises for such a purpose would be likely to harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets, contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

## **22      CONDITION: MANAGE STUDENT ACCOMMODATION**

The property shall be managed in accordance with the management plan submitted with this planning application unless an alternate management plan is agreed in writing with the Local Planning Authority. The management plan shall be adhered to strictly at all times.

Reason:

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

## **23      CONDITION: STUDENTS ONLY**

The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit and lack of amenity space to comply with policies CS15 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007 and the NPPF.

## 24 **STUDENT BEDROOMS**

No more than 66 student rooms at the property shall be used as bedrooms. The Local Planning Authority must give written approval to any variation of this requirement.

Reason:

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 the Plymouth Local Development Framework Core strategy (2006-2021) 2007, Policy DEV12 of the submitted Plymouth and South West Devon Joint Local Plan July 2017, and paragraph 61 of the National Planning Policy Framework.

## 25 **CONDITION: REFUSE COLLECTION**

Unless otherwise agreed previously in writing, deliveries and refuse collections to the commercial unit are restricted to the following times:

Monday to Saturday No deliveries or refuse collection between 6pm and 8am

On Sundays and Bank Holidays No refuse collections; no deliveries on Sundays, and on Bank Holidays deliveries only between 10:00am and 4:00pm.

Reason:

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

## **Informatives**

### **I 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](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.

## **2 INFORMATIVE: CONDITIONAL APPROVAL 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.

## **3 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 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.

## **4 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.

## **5 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.