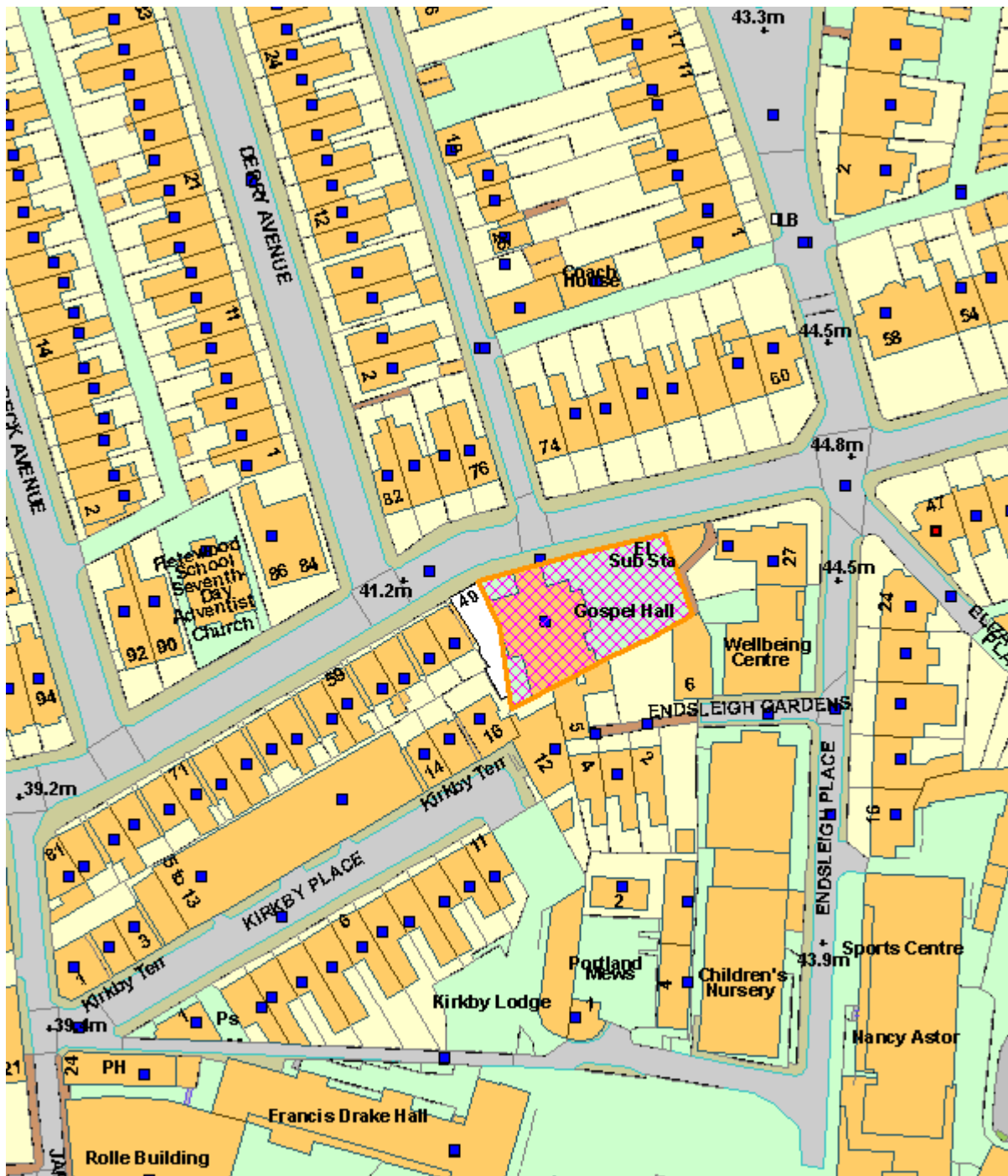


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	18/02105/S73	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	20.12.2018	<b>Ward</b>	DRAKE
<b>Site Address</b>	47A North Road East Plymouth PL4 6AY		
<b>Proposal</b>	Variation of Condition 2 (Approved Plans) of Planning Permission 15/01251/FUL to provide a separate means of escape and external and internal alterations		
<b>Applicant</b>	Hermes Great Estate Ltd		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	<b>21.03.2019</b>	<b>Committee Date</b>	<b>15.03.2019</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Major - More than 15 Public Comments		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	Grant Conditionally		



## **1. Description of Site**

Known as 'Reservoir Court', the application site is located on the southern side of North Road East, on the northern fringe of the City Centre and University Area Action Plan boundary. Until recently the site was occupied by a small, low quality single storey building with associated parking for an insurance company (A2 Use Class) however this has now been removed. The site has a Plymouth limestone wall running along all boundaries meaning the site is almost entirely obscured from the street view. The site is relatively level, with no specific amenity value to the area.

The adjacent and surrounding buildings demonstrate a mix of uses including residential, University and Education and specialist care facilities. These buildings demonstrate a mix of 2 and 3 storey contemporary, early 20th century and Victorian buildings. North Road East

contains some grade 2 listed buildings, although none are directly adjacent or opposite the application site.

## **2. Proposal Description**

Variation of Condition 2 (Approved Plans) of Planning Permission 15/01251/FUL to provide a separate means of escape and external and internal alterations.

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

A formal pre-application enquiry was not submitted, however officers reviewed the proposal prior to submission to determine if the proposal could be considered as a Non-Material Amendment. Officers confirmed that a S73 application would be required and at this time provided some design advice.

## **4. Relevant Planning History**

18/00023/11 - Demolition of existing building to facilitate implementation of approved planning permission (15/01251/FUL) – Prior Approval not required

APP/N1160/W/15/3138482 – Appeal relates to planning application 15/01251/FUL which applied for the Demolition of existing office building to be replaced with student accommodation (39 apartments) – Appeal Allowed

15/02337/FUL - New development containing 37 student bedspaces (demolition of existing building) – Refused

15/01251/FUL - Demolition of existing building and replace with student accommodation (39 apartments) – Refused

In addition to the planning history outlined above, members are advised that numerous Condition Discharge Applications have been submitted to the Local Planning Authority with respect to 15/01251/FUL.

## **5. Consultation Responses**

Plymouth City Council Building Control - The addition of the escape stair would appear to improve the means of escape in terms of travel distances.

Further information regarding smoke ventilation would be required however this is not a planning matter.

## **6. Representations**

The Local Planning Authority has received 21 letters of representation, all of which object to the planning application. The letters are summarised as follows:

- \* The building is too big and the changes make it even bigger and out of character
- \* The changes to an already hideous proposal seem to have been put through as an afterthought, hoping that nobody would notice.
- \* The fire escape which is now planned to the east elevation will prove an ugly addition
- \* The floor plan changes and additional windows clearly go against all the concerns previously raised by local residence

- \* Communal area looks small for the number of residents
- \* External materials on the building are poor
- \* All north facing windows should also have view control film applied to them
- \* The development will result in a loss of amenity for residents worsening parking and causing refuse in the streets
- \* The appeal decision should have taken account of the need for the additional fire escape
- \* The changes will result in further loss of light
- \* The internal changes will result in a loss of amenity and quality of life for future residents
- \* The additional windows go against the concerns of residents raised during the initial planning application process.

The following comments do not specifically relate to the changes sought by this S73 application:

- \* The building is unnecessary as there is too much student accommodation
- \* Lack of public consultation by the developers
- \* Concern of hazardous material on site following demolition of the building and what was originally used to fill the site historically
- \* Flats are too small
- \* Insufficient bin stores
- \* The developer should be made to re-apply for full planning permission

## **7. Relevant Policy Framework**

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the 'City Centre and University Area Action Plan'.

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 an advanced stage of preparation having been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. On 15 August 2018 the JLP Councils received a Post Hearing Advice Note from the Planning Inspectors. The inspectors state that "at this stage we consider that the JLP is a plan which could be found sound subject to main modifications" and, provided their views on further work and potential main modifications needed. 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.

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:

\* Sustainable Design Supplementary Planning Document

\* Development Guidelines Supplementary Planning Document

## **8. Analysis**

1. 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.

2. This application turns on policies CS01 (Creation of Sustainable Linked Communities), CS02 (Design), CS22 (Pollution) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy. In addition, the application has been considered against policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan.

3. The principle issues are considered to be the impact of the staircase to the design and appearance of the building, and the impact this could have on residential amenity.

### **4. Development Context**

5. Planning permission was sought in 2015 of the redevelopment of the site to provide 39 self-contained student flats. The Local Planning Authority refused planning permission for a number of reasons and the applicant subsequently made an appeal to the Planning Inspectorate.

6. The appeal was allowed by the Planning Inspectorate and as such, planning permission for the development was granted. The principle of student accommodation in this location has therefore been established and cannot be revisited in the assessment of this S73 application. Furthermore, the general design and scale of the building has also been accepted by the Inspector, so main considerations of this S73 relate to the impact of the detailing.

7. Since the appeal was allowed various applications have been made to discharge the pre-commencement planning conditions attached by the Planning Inspector.

8. Members are advised that at the time of considering this Section 73 application all pre-commencement conditions have been agreed by the Local Planning Authority and as a result, this development could be implemented.

9. The applicant has advised that some works have started, as follows:

- Completed the demolition of the site
- Capped all services
- Broken up the concrete surfacing over the whole of the site.

10. Such works could constitute a material start on site however the applicant advises that on the week commencing 6th May 2019 a local, Plymouth based contractor has now confirmed a commencement for the trenching for foundations and implementation of the drainage scheme.

#### The Proposal: External Stair Case

11. This Section 73 application is seeking to vary condition 2 of planning permission 15/01251/FUL. Members are advised that condition 2 relates to the Approved Plans.

12. The applicant has advised officers in their letter, dated 4th March 2019, that "the approved scheme does not comply with Part B (fire) of the Building Regulations" and whilst the approved scheme is capable of being constructed it is not able to be occupied until a suitable solution has been reached to comply with fire regulations". For clarity, should this S73 application be refused then the developer could still build the approved scheme as the scheme is acceptable in planning terms and the associated conditions have been discharged.

13. The current internal layout of the building provides a single internal staircase serving all floors. Due to the internal configuration of the flats it would not be possible to add a secondary means of escape on the rear of the building without losing a unit or significantly reducing the size of one. Therefore the only suitable location to serve all floors is the east elevation as the western part of the building is one storey lower. The plans show that the staircase will be centrally located on the east elevation of the building.

14. Paragraph 2.5.39 of the Development Guidelines SPD states that:

15. "External staircases can cause problems for neighbours' amenity in relation to noise and privacy and often look unsightly. They can also compromise the safety of occupiers as they may be poorly lit and become slippery in wet and cold weather conditions. For these reasons they will rarely be acceptable. The presumption is that staircases should be accommodated internally."

16. In this case the spiral staircase would be shrouded by an aluminium louvre system which does not propose any new windows within its curved façade. Whilst it is not wholly enclosed it is not likely to be prominent within the street scene. It does not include any additional windows and its use is not intended to provide another general access to the building, purely

required in the event of an emergency. Therefore officers consider that its design does not conflict with SPD.

17. Clearly it would have been preferable for this to have been included within the original proposals and it is unfortunate that the original design did not fully take account of building regulations.

18. Officers have reviewed the Planning Inspector report, specifically paragraphs 3 to 10 and are of the view that the amendment to the east elevation does not cause conflict with the Appeal decision, specifically the following extract:

19. "The proposed block would be well related in terms of its scale, bulk, design and appearance to the surrounding built development, including the adjacent Victorian terraces and Nos 5 and 6 to the rear and it would enhance the street scene. The proposal would therefore accord with Policy CS02 of the Council's adopted Local Development Framework Core Strategy as it has been designed to respect the character, identity and context of Plymouth's historic townscape. It would contribute positively to the area's identity and heritage in terms of scale, density and layout and it would protect important and longer distance views."

20. In addition to not conflicting with the Inspector's comments, officers consider that the curved design lightens that the staircases appearance thus reducing its overall impact when viewed within the context of the street scene. When compared to the scale of the building itself, the staircase alteration is minor and not demonstrably harmful to the overall design. Officers consider that it will not result in any significant overshadowing towards neighbouring properties and will not result in any additional loss of outlook. Furthermore, officers do not consider that by virtue of its intended use that there will be impact on residential amenity, privacy or outlook. The proposal is therefore considered to accord with policies CS02 and CS34 of the Core Strategy and Policy DEV20 of the Joint Local Plan. A restrictive use condition is proposed to prevent the stair case from becoming a general access.

#### Other Amendments

21. In addition to the substantive amendment to the building outlined above, some further minor alterations have also been proposed and are set out as follows:

#### *North Elevation*

22. The design of the principle elevation has been refined with slightly widened bay projections on the eastern half of the building. Six additional windows have been included on the western block of the building, 2 per floor increasing the level of light into these south facing units. This change is not considered substantial and in officers' view improves the visual appearance and overall balance of this elevation. It will also not result in a further loss of amenity to properties on the opposite side of North Road East as the windows are small and recessed in between the projecting bays. The windows serve existing flats not new ones so they do not intensify overlooking.

23. At ground floor level, the vents serving the refuse area within the undercroft garage has doubled from 2 to 4, however they are now smaller in size so the impact is minimal. In addition, an improved door design has been proposed into the centre of this elevation at ground floor level to provide direct access into the reception area.

24. The materials palette shown on the plans approved by the inspector has now changed with full details having been provided. Members are advised that the Inspector imposed a materials condition and these have already been submitted to and agreed by the Local Planning Authority, and the schedule shown on the proposed plans reflects these conversations.

#### *South Elevation*

25. At ground floor level there is a reduction in windows serving the south facing units. Sufficient levels of light would still be afforded to these particular units.

26. The application originally proposed an increase in the number of windows at 3rd floor level, showing 6 new openings. However, and given the concerns the potential impact this could have on Trevi House officers have negotiated the removal of these to protect amenity and overlooking. The number of south facing windows at 3rd floor level is now the same as the approved scheme.

#### *West Elevation*

27. Two bathroom windows at ground floor level have been removed. The level of light afforded to these units previously served by these windows is still considered acceptable, thus retaining adequate levels of amenity.

#### *East Elevation*

28. Due to the installation of the staircase, windows previously serving the corridor have been removed and have been turned into doors to access the staircase in the event of an emergency. In addition, small bathroom windows serving the north east corner units on the 1st, 2nd and 3rd floors have been removed. The window serving the south east units on each floor is retained. In addition, the ground floor vents serving the garage have been removed.

#### *Internal Alterations*

29. The overall number and mix of units has not changed, and there has been no reduction in the size of the units. At ground floor however there have been some slight adjustments and reconfiguration including:

- \* Switching one accessible room with two studios to the opposite side of the corridor. This means both accessible units are south facing, and the two studios will be north facing. Officers have queried this change and have been advised, in the letter dated 4th March 2019 that 'the reconfiguration ensures the structural loads are properly transferred to the foundations';
- \* Reduction in size of communal area by 20m<sup>2</sup>;
- \* Enlarged internal staircase and large ground floor internal lobby which have been provided to add protection to the escape route and reduce, to an acceptable level, the escape distance to a place of safety.



\* Introduction of communal laundry

30. In addition, mini lobbies are provided at 1st, 2nd and 3rd level serving the new means of escape to provide separation between the internal areas and the external stair case. The parking and refuse has not changed.

#### *Summary of changes*

31. The building itself retains its main form, mass and scale with no increase in height or footprint and the same number of units (of the same size). The treatment of main elevation has in officers' view been improved and the windows alterations to the east, west and south elevation would not give officers cause for concerns in terms of amenity impact. In total there is a net loss in the number of windows serving the development.

32. Officers consider that the proposed internal alterations will have a negligible impact on the quality of the accommodation in terms of layout, movement and amenity. Officers are of the view that had these plans been submitted as part of the original proposal they would likely have been considered acceptable in light of the Inspectors appeal decision.

33. The proposed changes outlined above do not conflict with the Inspector's decision and therefore accord with the Core Strategy, the Joint Local Plan and the National Planning Policy Framework 2019.

#### Other Matters

34. Members are advised that the applicant has already provided detailed drainage and land contamination information which has been reviewed by the Local Planning Authority. The submitted drainage details have been approved by the Lead Local Flood Authority and adequately deal with surface water.

35. The Public Protection Service has reviewed relevant land contamination reports. The findings of the Phase 2 land contamination report indicated no risk or requirement for remediation.

36. With regards to external materials, the Inspector approved the principle of a mix of render, brick and cladding however under the advice of the Local Planning Authority imposed a condition requiring further details to be submitted. These details have already been submitted and reviewed by the Local Planning Authority and following some negotiation are considered acceptable in the context of the Inspectors assessment.

37. Finally, the applicant has submitted a contractor's access details, an accommodation management plan and a travel plan which has been reviewed by the Local Highways Authority and Public Protection Service respectfully. The details submitted were acceptable and the relevant planning conditions discharged.

38. Therefore, and due to the progress that has been made on discharging planning conditions officers have had to amend a number of the conditions on the original notice to take account of already approved details.

## **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 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).

## **11. Planning Obligations**

Planning obligations not required as the Inspector did not seek financial contributions through a S106 agreement when assessing the previous planning application (15/01251/FUL).

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability. Officers have considered the impact of the proposed changes to the previously approved scheme in the context of vulnerable members of the community and consider that the impact does not cause harm. Officers are also of the view that the proposal does not prejudice the education received by students at the adjacent Language School or the wellbeing of nearby residents.

## **13. Conclusions and Reasons for Decision**

The proposed changes to the building do not adversely impact the design and appearance, and are considered to remain in accordance with the view of the Planning Inspectors Appeal Decision. The proposed changes do not result in a loss of amenity in officer's view, and adequate mitigation has already been secured to protect surrounding residents. The addition of the staircase creates a safer building for its future occupants without adversely impacting the surrounding area. Therefore, and having 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 is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 20.12.2018 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

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

## 1 **CONDITION: APPROVED PLANS**

Proposed First Floor Plan NRE BPC XX 01 DR A 061 002 Rev P1 received 18/12/18  
Proposed Second Floor Plan NRE BPC XX 02 DR A 061 003 Rev P1 received 18/12/18  
Proposed Site Layout & Roof Plan Proposed Street Elevation NRE BPC XX 03 DR A 061 005 Rev P1 received 18/12/18  
Site Location Plan 914-300 - received 18/12/18  
Proposed Ground Floor Plan NRE BPC XX 00 DR A 061001 Rev P3 received 05/03/19  
Proposed Third Floor Plan NRE BPC XX 03 DR A 061004 Rev P3 received 05/03/19  
Proposed Elevations NRE BPC XX XX DR A 062 001 Rev P3 received 05/03/19

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 124, 127, 130 and 131 of the National Planning Policy Framework 2018.

## 2 **CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of Appeal Decision APP/N1160/W/15/3138482. For the avoidance of doubt the appeal was allowed on 26th May 2016.

Reason:

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

## 3 **CONDITION: CAR PARKING PROVISION**

### PRE-OCCUPATION

The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV31 of the Plymouth and South West Devon Joint Local Plan and Section 9 of the National Planning Policy Framework 2019.

## 4 **CONDITION: LUMISTY VIEW CONTROL FILM**

## PRE-OCCUPATION

Prior to the occupation the building hereby approved, the Local Planning Authority shall visit the development to ensure that the approved Lumisty MFW View Control Film has been installed satisfactorily. The View Control Films application shall ensure that:

- (a) The angle of view control is not detrimental to future occupiers so that they are provided with sufficient light into the rooms and are also provided with reasonable outlook;
- (b) Residents to the south of the approved buildings do not suffer from overlooking or loss of privacy.

Reason:

To ensure future occupiers amenity is not demonstrably impacted, and in order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV1 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

## **5      CONDITION: ENERGY**

### PRE-OCCUPATION

Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the CS20 Energy Statement prepared by Energy Compliance Ltd (26-06-2015). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV34 of the Plymouth and South West Devon Joint Local Plan and Section 14 of the National Planning Policy Framework 2019

## **6      CONDITION: CYCLE PROVISION**

### PRE-OCCUPATION

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 39 bicycles to be securely parked in a secure and covered location. 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, Policy DEV31 of the Plymouth and South West Devon Joint Local Plan and Section 9 of the National Planning Policy Framework 2019

## **7      CONDITION: DRAINAGE**

The development shall be carried out in strict accordance with the submitted Drainage and Surface Water details, as set out below, and as previously agreed by way of Condition Discharge Application 18/02104/CDM:

Statement to Discharge Condition 3 - 11071

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policies and CS21 and 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 Section 14 of the National Planning Policy Framework 2019

## **8      CONDITION: ACCESS (CONTRACTORS)**

Contractors Access relating to the construction of the development hereby approved shall be implemented and maintained in strict accordance with the 'Access Statement 141217' previously agreed by way of Condition Discharge Application 17/02429/CDM.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies DEV1 and DEV31 of the Plymouth and South West Devon Joint Local Plan and Sections 9 and 12 of the National Planning Policy Framework 2019

## **9      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, Policy DEV2 of the Plymouth and South West Devon Joint Local Plan and Section 15 of the National Planning Policy Framework 2019

## 10 **CONDITION: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

The development shall be carried out in strict accordance with the 'Construction Environment Management Plan REV A (January 2019) as previously agreed by way of Condition Discharge Application 18/02104/CDM

Reason:

To ensure the environment is protected during construction in accordance with Policies CS21 and 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 Sections 14 and 15 of the National Planning Policy Framework 2019

#### 11 **CONDITION: LANDSCAPE DESIGN PROPOSALS**

The development shall be completed in strict accordance with the following Hard and Soft Landscaping details previously agreed by way of Condition Discharge Application 17/02429/CDM:

- Planting Plan Rev-, July17
- Outline Planting Specification Rev-, July17
- Landscape Maintenance Schedule Rev-, July17

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies DEV20 and DEV28 of the Plymouth and South West Devon Joint Local Plan and Section 12 and 15 of the National Planning Policy Framework 2019

#### 12 **CONDITION: EXTERNAL MATERIALS**

The building hereby approved shall be constructed in strict accordance with the 'External Finishes Schedule' set out on plan NRE BPC XX XX DR A 062 001 REV P2 - PROPOSED ELEVATIONS' as previously agreed by way of Condition Discharge Application 18/02104/CDM.

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, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

#### 13 **CONDITION: ACCOMMODATION MANAGEMENT**

The development hereby permitted shall be managed in accordance with the submitted Student Accommodation Management Plan at first occupation. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements. The management plan for the operation of the accommodation hereby approved, includes contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the

building or its curtilage and shall include a commitment to keep this information up to date. The management plan shall be adhered to strictly at all times.

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, Policy DEV1 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

#### 14 **CONDITION: NOISE**

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

Reason: To protect the amenity of future residents and to avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV1 of the Plymouth and South West Devon Joint Local Plan and Section 12 and 15 of the National Planning Policy Framework 2019

#### 15 **CONDITION: BIODIVERSITY**

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 (Green Ecology, July 2015) for the site.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Policy DEV28 of the Plymouth and South West Devon Joint Local Plan and Section 15 of the National Planning Policy Framework 2019

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

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

Reason:

The accommodation is considered to be suitable for students in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV1



and DEV10 of the Plymouth and South West Devon Joint Local Plan and Section 5, 8 and 12 of the National Planning Policy Framework 2019

**17      **CONDITION: STONE****

The stone removed from the front wall as part of the approved plans shall be retained and neatly stored onsite until construction begins. The retained stone shall be used in the construction of the building hereby approved unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the materials used are in keeping with the appearance and character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006- 2021) 2007, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

**18      **CONDITION: BOUNDARY WALL****

The stone boundary wall separating the development hereby approved and Trevi House to the south shall not be altered, lowered or removed.

Reason:

To ensure future occupiers amenity is not demonstrably impacted, and in order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

**19      **CONDITION: TRAVEL PLAN****

The Student Accommodation hereby approved shall always be operated in strict accordance with the Student Accommodation Travel Plan, North Road East, Plymouth - 661468 as previously agreed by way of Condition Discharge Application 17/02429/CDM.

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, Policy DEV31 of the Plymouth and South West Devon Joint Local Plan and Section 9 of the National Planning Policy Framework 2019

## 20 **CONDITION: FIRE ESCAPE - USE RESTRCITION**

The proposed Secondary Means of Escape (Fire Escape) shown on the east elevation of the approved plans shall only be used in the event of an emergency or planned fire drill and at no time shall it be used as a general means of access or egress to the 1st, 2nd and 3rd Floors of the building hereby approved.

Reason:

To ensure future occupiers amenity is not demonstrably impacted, and in order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV1 of the Plymouth and South West Devon Joint Local Plan and Section 12 of the National Planning Policy Framework 2019

## **INFORMATIVES**

### **1 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 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 proactive way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.