

**ITEM: 10**

**Application Number:** 09/01302/FUL

**Applicant:** Mr Dave Hendy

**Description of Application:** Change of use, conversion and extension of existing building to create 3 student cluster units and 4 studio apartments with associated bin and cycle stores.

**Type of Application:** Full Application

**Site Address:** 1 ST LAWRENCE ROAD AND 14 HOUNDISCOMBE ROAD PLYMOUTH

**Ward:** Drake

**Valid Date of Application:** 14/09/2009

**8/13 Week Date:** **09/11/2009**

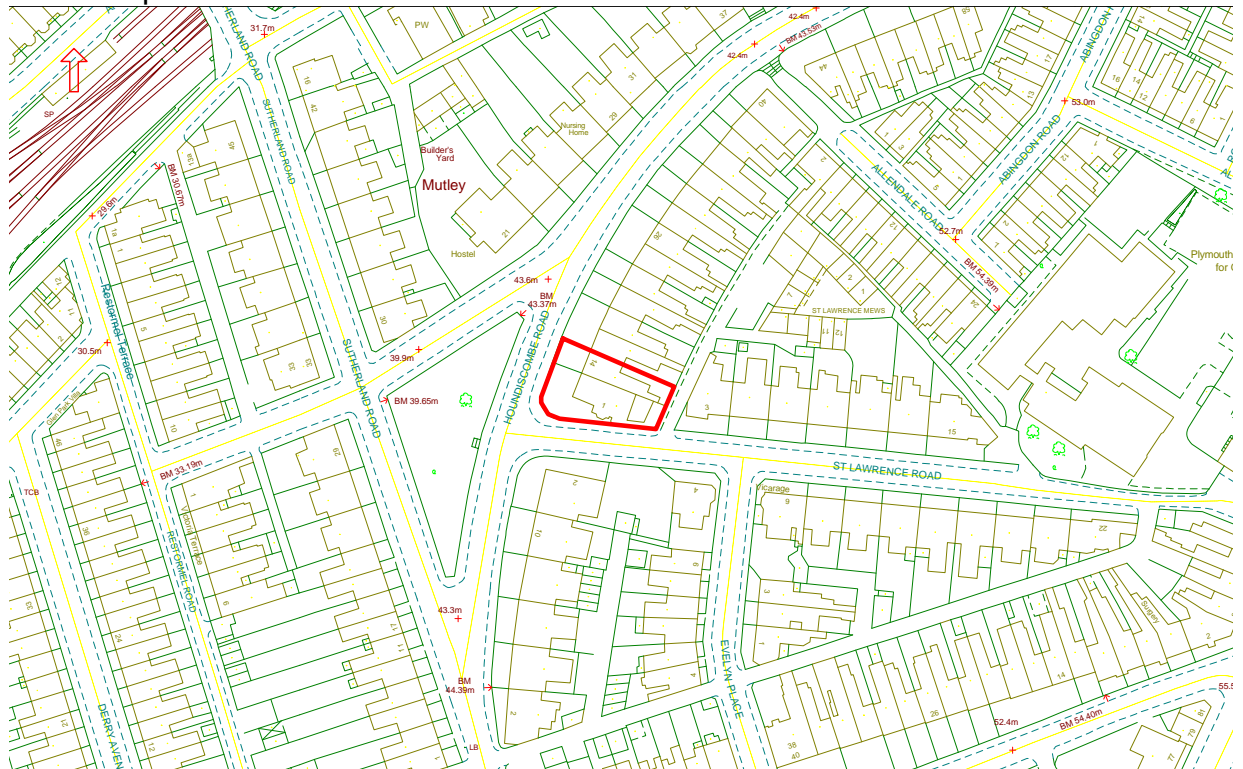
**Decision Category:** Assistant Director of Development Referral

**Case Officer :** Stuart Anderson

**Recommendation:** Grant conditionally subject to S106 Obligation

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## OFFICERS REPORT

This application was considered by Planning Committee at its meeting of 10 December when determination was deferred for a site visit. The report below is the same as that presented to the December meeting but amended to include the matters raised in the addendum and oral reports presented to that meeting.

### **Site Description**

The site consists of two adjoining properties, 1 St Lawrence Road and 14 Houndiscombe Road. These are large Victorian properties.

1 St Lawrence Road is currently registered as a House in Multiple Occupation (HMO) with 12 bedrooms with associated communal bathrooms, kitchen and living areas, but the property is in need of updating, refurbishment and improvement.

14 Houndiscombe Road was some time ago converted to office accommodation for a local firm of chartered accountants but has been vacant now for some months and is again in need of modernisation.

The site is bounded by highways and residential property. Opposite the site is a small public park.

### **Proposal Description**

Change of use, conversion and extension of existing building to create 3 student cluster units and 4 studio apartments with associated bin and cycle stores.

The proposed extension would be situated at the rear of the property and would be approximately 12 square metres in area, and two storeys in height. It would house a laundry area and bathrooms.

A bin storage area and a secure, weatherproof store for 11 bicycles would also be provided in the rear yard.

The existing stairway at the rear of the property is currently clad in polycarbonate sheeting. This would be rebuilt in stone/render.

A number of the doors and windows are to be replaced. These would be UPVC and timber respectively.

### **Relevant Planning History**

09/00768/FUL - Change of use, conversion and extension to existing building to create 6 student cluster units and 2 studio apartments with associated bin and cycle stores (withdrawn)

99/00100/FUL - Change of use from residential home for the elderly to accommodation for 11 students and a warden (granted)

## **Consultation Responses**

Housing Strategy and Renewal – no observations

Public Protection Service – recommending condition that unexpected contamination is reported to the Local Planning Authority. Also recommending Construction Phase Management Plan condition, and condition that the development is carried out in accordance with BS8233:1999 to meet the ‘good room criteria’ for living spaces.

Transport Officer – recommending cycle parking provision condition

## **Representations**

10 letters of representation have been received, all of which object to the proposal. The objections are on the following grounds:

1. Parking problems
2. Drake’s Leat lies between both affected properties front gardens. Has the applicant allowed for appropriate archaeological appraisal?
3. Oversupply of student accommodation in the area
4. Overintensive number of students proposed within this property
5. Noise and disturbance from students
6. Inconsiderate behaviour from students
7. No manager/supervisor accommodation proposed
8. Proposed extension is architecturally inappropriate
9. Blocking up of two doorways would harm the look of the terrace
10. The drainage system in this area was designed for private family dwellings, not for high-density multiple occupancy, this system and possibly the provision of other utilities would need to be upgraded accordingly
11. Problems with refuse disposal, including blocking of rear service lane access creating difficulties for emergency service vehicles

All the above issues are addressed in the following report.

A further comment has also been received from the local Ward Councillor, Councillor Ricketts, as follows:

20+ student flats in a block completely inappropriate for this type of use is completely wrong. The area simply cannot cope in a sustainable way with applications of such madness being submitted. Other repercussions on the area will be parking where the streets are already heavily over-subscribed. The balance of fixed term residents and students is completely out of control. Please refuse this application for the people of Plymouth’s sake.

A representation has also been received from Linda Gilroy MP objecting to the application on the grounds of the level of “studentification” in North Hill and its impact on this area, contrary to Area Action Plan aspirations to integrate the two communities of students and existing residents (paragraph 10.4 of the City Centre and University Area Action Plan).

## **Analysis**

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.

The relevant policies are CS01, CS05, CS15, CS28, CS33, and CS34 of the Core Strategy. The relevant issues are discussed below.

### **THE PRINCIPLE OF THE PROPOSED DEVELOPMENT**

With regards to policy CS05, it is understood that the offices have been vacant for some time, and therefore not considered a viable employment site. Therefore, it is considered that there is no loss of active employment use, and thus no conflict with policy CS05.

The site is within short walking distance of the University and the City Centre, and the Mutley Plain shopping centre. Therefore the location is sustainable, and does not rely on car journeys to and from local services.

The reference to Drake's Leat in one of the letters of representation has been noted. The resident states that the leat runs through the front gardens of the properties. However, the submitted plans do not show any works to the front gardens.

It is necessary to consider whether the proposed development is compatible with its surroundings. Student property and subdivided properties are common in this area. A change of use to provide student accommodation is considered to be acceptable in principle.

The City Centre Area Vision Strategy acknowledges in paragraph 5.23 that:-

*With the rapid expansion of the university there is a need for more student accommodation. This is an issue for the area and surrounding community.*

This is further amplified and explained in paragraph 5.25 of the 'Approach' section which states:-

*The Council will take a positive approach to promoting development of key opportunity sites that can help deliver a step change in the quality of the city centre and the services and facilities it provides. These will include:-*

- *The provision of student dwellings in and around the city centre and university area in accordance with the university's strategy for delivering accommodation. Such development needs to be managed such that there is appropriate integration with existing communities*

The University states that it faces an acute accommodation problem for its students and is short by around 2000 beds. The application site is located within 5 minutes walk of the main university campus and its change of use to provide specialist student accommodation would clearly help meet the demand for student accommodation.

Tensions between residents and students are not always easy to reconcile and attention has been drawn by Linda Gilroy MP to the Area Action Plan (AAP) which recognises this point. The AAP also states that it is almost inevitable that the student population will continue to increase in Mutley and Greenbank. A key issue here is whether, on balance, the proposal helps deliver a sustainable community in accordance with Core Strategy Policy CS01 (Development of Sustainable linked Communities) and Policy CS15 (Overall Housing Provision). It is considered that the principle of student accommodation here is acceptable in terms of these policies, for the reasons given above.

One of the objectors has drawn the case officer's attention to criteria 3 of CS15 which states 'and where it will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity', in order to demonstrate that there is too many non-family dwellings in the vicinity. This is noted, but it would appear that the application properties are too large for single family use.

#### VISUAL IMPACT

On the previous proposal (09/00768/FUL), the agent was advised that the design of the proposal would be unsuitable, which led to the withdrawal of the application. The current proposal has been 'scaled down' from the previous proposal. The proposed extension is fairly small, and therefore is considered not to have an impact on the streetscene. The other proposed external alterations are also fairly minor and thus not considered to have an impact on the streetscene.

#### IMPACT ON RESIDENTIAL AMENITY

The proposed extension is fairly small in size, and would therefore have a minimal impact on the amenities of surrounding properties.

The letters of representation refer to bad behaviour by students and concern is raised over the lack of proposed manager/supervisor accommodation at the site. It is recommended that a management plan for the accommodation is secured by condition (this was a requirement on previous application 99/00100/FUL), in the interests of reducing behaviour which local residents might find offensive, in particular, reducing noise levels from the premises, and this may include on-site management.

Some of the letters of representation also refer to problems with waste disposal. They state that problems can occur when rubbish is put out before collection day. It is recommended that a condition is added that the bin store shown on the plans is provided and made available for use prior to the

occupation of the development. This should reduce the possibility of rubbish being put out before collection day.

#### STANDARD OF ACCOMMODATION

The proposed rooms all exceed the minimum acceptable room sizes advised by the City Council's Housing Department (this minimum size is 6.5 square metres). The rooms at the front (west) of the property, and at the south would have a good standard of natural light and outlook. The rooms on the north and east of the property are more restricted in terms of their light and outlook, but given the temporary and transient nature in which the proposed accommodation would be occupied (i.e. by students) it is considered that the rooms are fit for purpose.

There is a rear yard at the site, but it is fairly limited in size. It might be suitable for clothes drying, but for outdoor relaxation, occupants could go to the park across the street.

#### HIGHWAYS/PARKING

The Transport Officer notes that there is no off-street car parking proposed but the site is within close walking distance of the University campus and is also located within a controlled resident permit parking scheme. The property would be excluded from purchasing permits and visitor tickets for use within the scheme, thus preventing long stay on-street parking. Therefore, the proposal, with no off-street parking is acceptable (from a Transport point of view) in this location.

The applicant is proposing to provide storage for 11 cycles. The Transport Officer advises that this equates to a less than 50% provision which is the minimum requirement for student accommodation. Ideally the applicant would provide far in excess of this standard in order to encourage cycling as a travel option, especially when considering the lack of car parking. From viewing the submitted plans and from the site visit, it is doubtful that there is any space for further cycle storage. However, a condition should be applied in order to secure the provision of the cycle storage that has been shown on the plans.

#### OTHER ISSUES

The representation relating to the capacity of drainage is noted. In order to deal with this issue it is recommended that a condition is attached to any grant of planning permission that further details are provided in order to ensure that existing drainage, waste water and sewerage infrastructure is maintained and where necessary enhanced, as required by policy CS34.

The representation on blocking of the rear service lane is noted. However, at the time of the site visit green and brown bins had been put out, so it is considered that this is an existing problem and the proposed development would do nothing to worsen this situation.

It is recommended that the land contamination and construction phase management plan conditions recommended by the Public Protection Service are added. It is recommended that the 'good room criteria' matter is

addressed by an informative, as this matter is likely to be dealt with under Building Regulations.

### **Section 106 Obligations**

The proposed development is liable for payments under the tariff system. A figure of £30971.85 has been calculated.

### **Equalities and diversities issues**

None.

### **Conclusions**

The proposal is recommended for conditional approval.

### **Recommendation**

In respect of the application dated **14/09/2009** and the submitted drawings, **1630-12 Revision P01, 1630-13 Revision P01, 1630-14 Revision P01, 1630-15 Revision P01, 1630-16 Revision B, 1630-17 Revision P01, 1630-18 Revision P01, and accompanying Design and Access Statement**

, it is recommended to: **Grant conditionally subject to S106 Obligation**

### **Conditions**

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

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

CYCLE PARKING PROVISION

(2) The development shall not be occupied until the secure and weatherproof cycle store shown on the approved plans has been provided and made available for use, for a minimum of 11 bicycles to be parked. This cycle parking area 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.

BIN STORE PROVISION

(3) The bin store area shown on the approved plans shall be provided and made available for use prior to the occupation of the development hereby permitted, and 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:

To ensure that adequate bin store facilities are available for occupants, in the interest of general amenity, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework (2006-2021) 2007.

#### LAND QUALITY

(4) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. 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, CLR11'

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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

#### CONSTRUCTION PHASE MANAGEMENT PLAN

(5) 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:

In the interests of general amenity and highway safety, in accordance with policies CS22, CS28, and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.



## STUDENT ACCOMMODATION

(6) The occupation of the accommodation hereby permitted shall be limited to students in full time education only unless otherwise agreed in writing by the Local Planning Authority.

### Reason:

The accommodation is considered to be suitable for students in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, but its occupation by any other persons would need to be the subject of a further application to be considered on its merits.

## MANAGEMENT PLAN

(7) Prior to the occupation of the building, details of the manner in which the approved student accommodation is to be managed (including possible on-site management) shall be submitted to and approved in writing by the Local Planning Authority. The accommodation shall be run in accordance with the approved details from the commencement of the use.

### Reason:

In the interest of residential amenity, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## DRAINAGE DETAILS

(8) Prior to the commencement of the development hereby permitted, details of the means of drainage, waste water and sewerage for the site shall be forwarded to the Local Planning Authority for their approval in writing.

### Reason:

In order to ensure that the development has the drainage, waste water and sewerage capacity to enable the development to proceed, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## INFORMATIVE: CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regards to condition 5 of this grant of planning permission, 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) Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.

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

**INFORMATIVE: GOOD ROOM CRITERIA**

(2) It is recommended that the development is carried out in accordance with BS8233:1999 to meet the 'good room criteria' for living spaces. Due to the nature of the development each bedroom should meet this criteria as well as the living areas of each flat. This is in order to protect the residents from noise generated by other residents of the building and to protect the general amenity of the area, given the high density of housing.

**INFORMATIVE: PARTY WALL ACT**

(3) The applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: acceptability of proposed use at these premises, standard of proposed accommodation, impact on residential amenity, impact on the streetscene, highways/parking, contamination aspects the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS05 - Development of Existing Sites  
CS01 - Sustainable Linked Communities  
CS15 - Housing Provision  
SPD1 - Development Guidelines