

ITEM: 02

Application Number: 09/01856/FUL

Applicant: Mr & Mrs I Crabb

Description of Application: Change of use and conversion of ground floor offices with residential above to form two units of student accommodation (two cluster units). (Revised scheme)

Type of Application: Full Application

Site Address: 29 REGENT STREET PLYMOUTH

Ward: Drake

Valid Date of Application: 15/12/2009

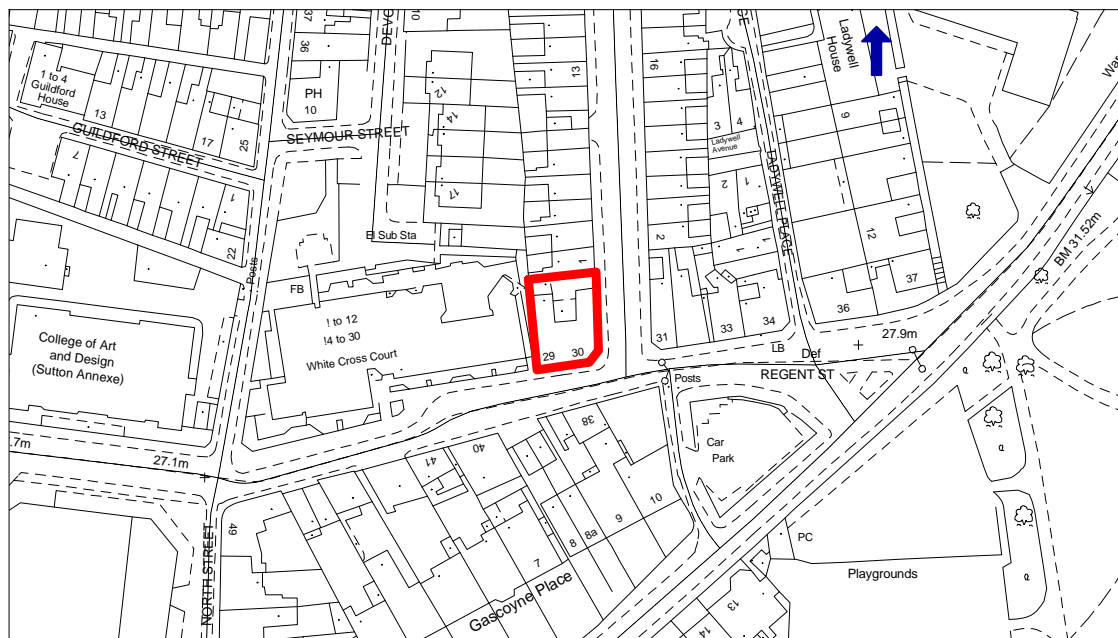
8/13 Week Date: 09/02/2010

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

OFFICERS REPORT

Site Description

29-30 Regent Street is a large period style property located in the Greenbank area of the City. The property is currently vacant but was previously used as offices for a lettings agency on the ground floor. The upper floors appear to have been used as a house in multiple occupation. The property is located within a predominantly residential area.

Proposal Description

Change of use and conversion of ground floor offices with residential above to form two units of student accommodation (two cluster units). (Revised Scheme)

Relevant Planning History

09/01070/FUL - Change of use and conversion of ground-floor offices with residential above to form two units of student accommodation providing 15 bedrooms in total – Refused

00/00447/FUL - Change of use of first and second floors to maisonette – Granted conditionally

Consultation Responses

Highways Authority – No objections subject to conditions

Public Protection Service – No objections subject to conditions

Housing Strategy and Renewal – No objections subject to amendment

Representations

Four letters of representation received. The main issues raised are:

- Lack of parking
- Anti-social behaviour (noise, graffiti and damage to vehicles)
- Disruption while building works are carried out
- Overdevelopment
- Poor quality accommodation
- Loss of employment
- Drainage problems

Analysis

This application turns on policies CS15, CS28, CS33, and CS34 of the Core Strategy, and Supplementary Planning Document 1 – Development Guidelines.

The main issues to consider with this application are: the effect on the amenities of neighbouring properties, the impact on the character and visual amenity of the area and highway safety.

This application is being brought before committee as a result of a member referral. The previous application was considered before committee in December and recommended for refusal.

The application has been revised following the previous refusal to take in to account concerns raised by members regarding the size of the bedrooms and quality of accommodation provided. The minimum room size provided as part of the previous scheme was 8.3sqM.

The property will still be split in to two student houses but the overall number of bedrooms has been reduced from 15 to 13. Each unit will now have a communal kitchen and lounge on the ground floor. Additional communal study areas will be created on both the first and second floor landings in place of the previous bathrooms. All bedrooms will now have en-suite facilities.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

With regards to policy CS05, it is understood that the offices have been vacant for several months, and therefore are not considered a viable employment site. It is therefore considered that there will be no loss of active employment use, and thus no conflict with policy CS05.

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; the Area Action Plan states that it is almost inevitable that the student population will continue to increase in Mutley and Greenbank, but 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.

STANDARD OF ACCOMMODATION.

The changes to the proposal following the previous refusal have significantly improved the quality of the accommodation provided. Each communal lounge and kitchen will measure just over 32sqM with the study areas providing additional shared space. Each student bedroom is considered to be of a suitable size, information provided by the City Council's Housing Department "Licensing of Houses in Multiple Occupation-Application Guidance and Standards 2009", note that a minimum size of 6.5sqM is required for a bedroom where a shared lounge and kitchen are provided. The bedrooms provided as part of the proposal range in size from 10.7sqM to 13.6sqM well above the minimum requirement. In addition each bedroom is considered to have adequate natural light and outlook. Furthermore a small yard will be provided which will be adequate for drying clothes and bin storage.

The housing department noted that corridors should be provided to access the bedrooms on the first and second floors. This has been addressed by the agent and amended plans submitted.

IMPACT ON AMENITY

In terms of privacy, there is considered to be no impact on the surrounding properties. As the previously proposed extension has been deleted, the proposal is now considered to be satisfactory to policies CS15 and CS34 of the Core Strategy.

Some of the letters of representation refer to noise and disturbance from student behaviour. It is therefore recommended that a condition is added requesting the submission of a management plan for the building, in the interest of lessening the potential for noise and disturbance to occur.

A 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.

IMPACT ON STREETSCENE

The existing property had been in commercial use for some time. Its elevation to Regent Street is very symmetrical – its shopfront style windows at ground floor level being balanced with the arrangement of windows at first and second floor levels. The proposed conversion involves the installation of new windows however a symmetrical arrangement will be retained. The proposal will therefore have a minimal impact on the streetscene. The proposal is therefore satisfactory to Core Strategy Policy CS34.

HIGHWAYS/PARKING

The highways officer notes that they have no objections to the proposal. The officer suggests that conditions should be imposed to ensure that the cycle storage area is retained and that the property is limited to student occupation. In addition an informative will highlight to the applicant that the property will be excluded for the residents parking scheme.

TARIFF CONTRIBUTIONS

A review of the way proposals for student accommodation should be described and publicised has recently taken place, with a view to finding a consistent approach to this matter. The outcome is that student accommodation applications should be classified by 'cluster' (i.e. rooms sharing a lounge/communal area). In the case of the current application, only two clusters are being applied for, which results in the proposed development not triggering payments under the tariff system.

CONTAMINATED LAND

The Public Protection Service has recommended a condition relating to land quality which will oblige the applicant to undertake appropriate assessments should any unexpected contamination be found on site. In addition a condition requesting a code of practice was also suggested however this is considered unnecessary given that the proposal limits external alterations to the insertion of new windows. A further condition relating to the Good Room Criteria is also proposed this cannot be covered by condition but will be highlighted to the applicant by means of an informative.

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.

Equalities & Diversities issues

No equality and diversity issues to be considered

Conclusions

The proposal is not considered to be detrimental to the amenities of neighbouring properties, impact on the character or appearance of the area or

raise any highway safety issues. The proposal is therefore recommended for approval.

Recommendation

In respect of the application dated **15/12/2009** and the submitted drawings, **Location plan, 32:01:09, 32:02:09, 32:03:09, 32:04:09B, 32:05:09B, 32:06:09B, 32:07:09, 32:08:09D, and accompanying design and access statement** , it is recommended to: **Grant Conditionally**

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.

STUDENT ACCOMMODATION

(2) 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 for consideration on its merits.

MANAGEMENT PLAN

(3) 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.

CYCLE STORAGE

(4) The secure area for storing cycles 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:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(5) 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 then 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.

DRAINAGE DETAILS

(6) 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 - GOOD ROOM CRITERIA

(1) 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 - RESIDENTS PARKING SCHEME

(2) The applicant's attention is drawn to the fact that the property lies within a residents parking permit scheme which is currently over-subscribed. As such the property will be excluded from obtaining permits, including visitor tickets for use within this scheme.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties, principle of proposed development, standard of proposed accommodation, impact on character and appearance of area, and highway safety, 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
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS15 - Housing Provision
SPD1 - Development Guidelines