

ITEM: 08

Application Number: 10/01677/FUL

Applicant: Drake's View Ltd

Description of Application: Conversion of 2nd and 3rd floors from office space to 40 units of student accommodation together with modifications to entrances

Type of Application: Full Application

Site Address: TAMAR HOUSE, ST ANDREWS CROSS
PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 30/09/2010

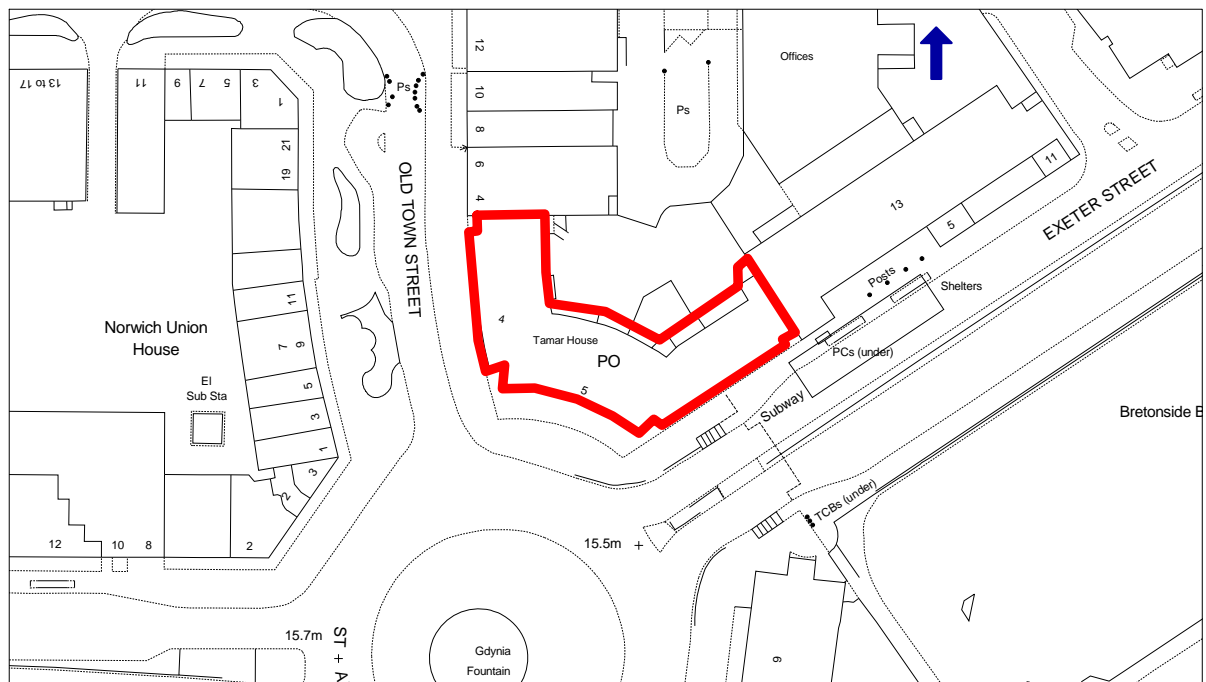
8/13 Week Date: **30/12/2010**

Decision Category: Major Application

Case Officer : Jeremy Guise

Recommendation: Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 30th January 2011

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OFFICERS REPORT

Site Description

Tamar House is a four storey, flat roofed building located in a prominent location fronting onto St Andrew's Cross. The building was built in the 1950's and forms an integral part of Plymouth City Centre's post-war reconstruction that was guided by the Plan for Plymouth 1943. The building was designed as a general post office, and today partly remains in post office use. The ground floor has been subdivided and is now occupied by a number of tenants including a significantly smaller post office.

The building is not listed and is not located within the Plymouth Conservation Area. It has however been identified by Jeremy Gould (Plymouth Planned - The architecture of the plan for Plymouth 1941-1962) as Plymouth's best 1950's building. It also contributes positively to the building group about St Andrew's Cross and to the wider setting of Royal Parade. Within the City Centre Precinct Urban Design Framework (2002), the building is identified as being a "building of highest quality" and of local architectural and/or historical significance.

The application site area measures approximately 0.2 hectares, the majority of which is covered by the existing building. There is a modest car park and servicing yard to the rear.

Proposal Description

Planning permission is sought to convert the second and third floors from office space (approx. 3,258sqm) to 40 units of student accommodation together with modifications to entrances.

The proposed student accommodation comprises of 40 'studio' bedrooms, with en-suite bathroom and kitchenette, arranged in four 'clusters' of 10 around a communal lounges. Four of the units (10%) are shown slightly larger. These are to be fitted to a 'Lifetime homes' standard so that they can accommodate students with disabilities. The front and rear entrances are also shown modified to provide better access for people with disabilities.

Externally changes are minimal. Windows are shown replaced, with some becoming 'false' panels where the proposed internal layout does not match existing openings. This will be most obvious when lights are switched on at night - these panels will remain dark - but in other respects will not alter the external appearance of the building. The stonework is also shown cleaned.

With the exception of two spaces, which double up as drop off spaces and parking for students with disabilities, parking is not proposed for the conversion. Secure under cover cycle storage and adequate, accessible refuse storage is shown in the rear yard.

Since making the application, the applicants' agent, has supplemented the submission with an acoustic noise survey and phase 1 contamination survey.

Relevant Planning History

- 04/02010/FUL – Refurbishment and extension of building to provide 4 floors of residential accommodation above 2 floors of commercial uses, with car parking to rear on 2 decks with car lift – Delegated authority to conditionally grant planning permission subject to completion of a S106 agreement for this development was granted by the Committee on 2nd February, 2005. WITHDRAWN following non signage of S106 agreement.
- 97/00565/FUL - Alterations to form branch office - (Full) – Conditional permission GRANTED 26-Jun-1997
- 94/00752/FUL - Alterations to premises including new shop front - (Full) - Conditional permission GRANTED 27-Jul-1994
- 94/00480/FUL- Change of use from shop to uses within class A2 (Financial and Professional services) – Conditional permission GRANTED 19-May-1994
- 91/00422/FUL - Replacement of first, second and third floor windows - Conditional permission GRANTED 19-Apr-1991

Consultation Responses

Highway Authority – Comments following clarification on the number of parking spaces are awaited.

Public Protection Service – Further comments to be sought following submission of a noise assessment and air quality assessment. To be reported in an addendum report.

Representations

Letters were sent to neighbouring properties and a site notice posted, but this has not resulted in receipt of any letters of representation (LOR's) in connection with the application.

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 key issues in this case are:-

- The principle of loss of the existing office use and conversion of the first and second floors into student accommodation (Policies CS01, CS05, CS15, CS22 and CS16 of the Core Strategy)

- The quality of student accommodation provided (Policies CS15 and CS34 of the Core Strategy)
- The design and appearance of the proposed development (Policies CS02 and CS34 of the Core Strategy)
- Impact upon the amenities of neighbouring properties and the character of the surrounding area (CS34 of the Core Strategy)
- The adequacy of access and parking arrangements (Policy CS28 of the Core Strategy)

The principle of loss of the existing office use and conversion of the first and second floors into student accommodation

Policy CS05 (Development of existing sites) of the adopted Core Strategy relates to existing employment sites. It states that development of sites with existing employment uses will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal and sets out five criteria for this assessment, including whether it is a viable employment site. These include criteria 2 which states:-

2. Whether the site is in an appropriate location for, or suited to, the needs of the city's priority economic sectors.

The Design & Access statement, that accompanies the application, states that the second and third floors have been vacant for around 5 years and actively marketed for 10 years with little interest shown and concludes that the space is no longer viable as an employment site owing to lack of parking and modern office specification. Read in conjunction with Policy CC02 (The Royal Parade Blocks) of the adopted City Centre and University Area Action Plan (AAP); and the precedent of the previous resolution (see below) the loss of the existing employment use is accepted.

The property is located close to the University, colleges, City centre and transport routes and there is no objection in principle to conversion of the upper floors to a specialist student hostel.

The AAP is tacitly supportive of upper floors of blocks being converted to residential uses, acknowledging the need to sensitively alter buildings. It states:-

'The blocks fronting the northern side of Royal Parade are the best surviving examples of the quality that was envisaged in the plan for Plymouth. Replacement of these buildings will not be permitted, although it is recognised that it may be necessary to sensitively alter the buildings in order to retain viable, successful uses. Proposals which aim to widen the use mix of the buildings introducing residential and office uses may be acceptable as long as they retain active ground floor frontages.'

Some weight can also be attached to the view that the previous application has established the principle of conversion to a residential use of the upper floors of the premises. Although that application was not pursued beyond planning committee resolution stage, with the signing of the section 106 legal agreement and issuing of the decision notice, it nevertheless indicates a direction of travel that makes it more difficult to require retention of the existing office use.

Policy CS20/3 of the Adopted core strategy requires all proposals for new residential developments comprising 10 or more units (whether new build or conversion) to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010-2015.

As this site is located in the city centre in the area covered by Policy CC05 in the City Centre AAP (Connection to a future District Energy network) the applicant has been given the option making a financial contribution to the capital infrastructure cost of this network instead of installing onsite renewables. Strict conditions to ensure approval of details of on-site renewables and to require installation prior to first occupation will, otherwise be sought.

The quality of student accommodation provided

The proposed studio bedrooms each contain integrated bathrooms and kitchenettes, but in relation to: housing mix, tenure mix, amenity, parking and 'Lifetime' homes they do not satisfy the criteria set out in policy CS15 (Overall Housing Provision) as general housing.

If significant derogations from these standards are to be accepted, it is only on the basis that the units are being provided as specialist units of student accommodation, managed as a block and occupied on a temporary basis by predominantly young people in full time education. To reinforce this, it is considered appropriate to impose strict occupancy restrictions upon any approval and expect the landlord to actively discourage residents from bringing cars into the city.

The 'halls of residence' type cluster layout proposed provides 4 communal facilities: lounges (one per 10 study bedrooms), communal kitchen / laundry etc. This physical layout shows a clear commitment on the part of the applicant to develop specialist student accommodation and provides some reassurance to the council that these units are not going to end up as independent studio flats which lack adequate amenity space, parking etc.

Proposed refuse storage facility arrangements satisfy the Council's 'Green and Clean' officer.

The design and appearance of the proposed development

The cleaning of the external stonework of the building will improve the external appearance of the building and is welcomed. In other respects the proposed changes to the external appearance are minimal and acceptable in relation to policies CS02 (Design) and CS34 (Planning Application Considerations).

Impact upon the amenities of neighbouring properties and the character of the surrounding area

The proposed external changes to the building are minor and will have little impact upon the commercial neighbours that surround the site. The change of use is also unlikely to disturb neighbours, as these are commercial premises

that are mainly used during the working day, when the student residents are studying.

The adequacy of access and parking arrangements

The residential accommodation is located in the city centre, and occupation is to be restricted to students. As such it is acceptable for it not to include general parking. The provision of (2-3 spaces) for setting down and picking up and to provide parking for registered disabled who may be resident or visiting the premises is considered to be adequate.

Secure, under cover and easily accessible cycle store is provided.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the development. Impacts will arise in the following areas:-

Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the City Centre locality is substantially deficient for meet the needs of the project population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £167.00 per residential unit, ie a total of £6,680.

Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £84 per residential unit ie a total of £3,360

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £444.06 per residential unit, ie a total of £17,762.4.

Local green space.

The development is in a location that is deficient in terms of access to green space. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to green space. The estimated cost of mitigating this impact is £244.88 per residential unit, ie a total of £9,795.2.

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council's has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant

Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £546.01 per residential unit, ie a total of £21,840.4

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council's has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £12.90 per residential unit, ie a total of £516

Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £349.00 per residential unit, ie a total of £13,960

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £2,208.00 per residential unit, ie a total of £88,320

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £41.00 per residential unit, ie a total of £1,640.

The applicant has indicated that they wish to have the application considered under the Council's Market recovery mechanism, and are prepared to accept the terms of that provision. A viability assessment has been submitted in support of that application.

The Tariff contributions, with market recovery provision, are reduced by half for a previously developed brown field site such as this. This 50% reduction is reflected in the figures in the recommended heads of terms, described below

- a. The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:
 - i. Local health infrastructure tariff. £3,340, to be allocated to the provision of additional capacity in local health care facilities within the City Centre locality.

- ii. Libraries tariff. £1,680, to be allocated to the provision of improved library facilities in the area.
- iii. Playing pitches tariff. £8,881.2, to be allocated to the provision of improved playing pitch facilities in the area, as identified in the Playing Pitch Strategy.
- iv. Local green space tariff. £4,897.6, EITHER to be allocated to the provision of accessible green spaces in a location appropriate to the development OR to be allocated to the management and improvement of local green space.
- v. Strategic green space tariff. £10,920.2, to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as set out in the Plymouth Green Infrastructure Delivery Plan.
- vi. European Marine Site tariff. £258, to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan.
- vii. Strategic sports facilities tariff. £6,980, to be allocated to the delivery of priority strategic sports facilities as set out in (draft) Sports Facilities Strategy.
- viii. LTP3.Strategic transport tariff. £44,160, to be allocated to the delivery of priority strategic transport interventions as set out in (draft) LTP3.
- ix. Public realm tariff. £820, to be allocated to the delivery of priority City Centre public realm improvements.

Therefore to mitigate the impacts of the proposed development, with a reduction for market recovery, a total tariff contribution of £81,937 is required

In addition, a Planning Obligations Management Fee. £4,541.72 is required, to be used to meet the Council's costs in administering and monitoring the implementation of this Section 106 Agreement.

- 2. Since these planning obligations have been reduced as a result of market recovery/viability issues, these tariff contributions have to be prioritised. In this case prioritisation is recommended in accordance with the Cabinet recommendations, ie making the following the first priorities (1) Strategic transport (2) European Marine Site/Strategic Green Space.

3. Delegated authority to refuse the application in the event that the legal agreement is not signed by 30th January 2011.

Equalities & Diversities issues

The configuration of the existing building, and nature of the conversion proposal, makes it difficult to achieve ramped access to the rear courtyard for wheelchair users. This limits the suitability of the building for occupation by some categories of disabled people. But the applicants have demonstrated that they have incorporated all reasonable measures to ensure suitability for disabled residents and visitors and provided four rooms [10%] capable of adaptation for students with disabilities. Given the constraints of converting an existing building this is considered to be acceptable.

Conclusions

The case for retaining the existing office use on the second and third floors is quite weak given the previous, now expired, planning permission for residential use and cannot be sustained as a reason to withhold planning permission.

Whilst there remain some concerns about the conversion to student use - particularly around: the less than ideal disabled access, the limited size of the communal spaces and the absence of any useable external amenity space - these are outweighed by the strengths of the proposal. Students are, typically, transient residents, who live in a hostel/ hall of residence for one, possibly two, academic years. They have lower levels of car ownership than the wider population; and less need for external amenity space. The proposal would provide an attractive standard of student accommodation within easy walking distance of the university / art College, public transport and city centre facilities. As such it would make a useful contribution towards diversifying city centre functions and give it more life outside shopping hours.

Recommendation

In respect of the application dated **30/09/2010** and the submitted drawings, **10128 L01.01 Rev.A; 10128 L02.02 Rev.F; 10128 L02.03 Rev.B; 10128 L02.04 Rev.G; 10128 L02.05 Rev.F; 10128 L02.06 Rev.B; 10128 L03.01 Rev.A; 10128 L04.01 Rev.B; 10128 L04.02 Rev.C; 10128 L04.03 Rev.B; 10128 L09.02; 10128 L09.03; 10128 L09.04; 10128 L09.05; 10128 L09.06; 10128 L09.10 Rev.A; 10128 L09.11 Rev.B & 10128 L09.12 Rev.A**, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 30th January 2011**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason: In reaching this decision, respect has been had to the Council Market Recovery Plan which seeks to simulate economic activity by reducing the level community benefit contributions in return for a more limited time period for implementation.

APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans 10128 L01.01 Rev.A; 10128 L02.02 Rev.F; 10128 L02.03 Rev.B; 10128 L02.04 Rev.G; 10128 L02.05 Rev.F; 10128 L02.06 Rev.B; 10128 L03.01 Rev.A; 10128 L04.01 Rev.B; 10128 L04.02 Rev.C; 10128 L04.03 Rev.B

10128 L09.02; 10128 L09.03; 10128 L09.04; 10128 L09.05; 10128 L09.06; 10128 L09.10 RevA; 10128 L09.11 Rev.B & 10128 L09.12 Rev.A

Reason:- To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy.

EXTERNAL MATERIALS

(3) No development shall take place until samples 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.

REFUSE PROVISION

(4) Before the development hereby permitted commences details of the siting and form of bins for disposal of refuse shall be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision shall be fully implemented before the development is first occupied and henceforth permanently made available for future occupiers of the site.

Reason; In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers.

SOUND INSULATION OF BUILDING

(5) The building shall be built in accordance with BS8233:1999 to meet the good room criteria for living spaces. Due to the nature of the development each bedroom shall meet this criteria as well as the living areas of each flat.

Reason 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.

CYCLE STORAGE

(6) 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.

RESTRICTION OF OCCUPATION TO STUDENTS

(7) 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 standard of accommodation provided, including levels of amenity space and parking, would not provide satisfactory residential environment for permanent full time occupation buy other sections of the community.

CODE OF PRACTICE

(8) 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

EASTERN ELEVATION

(9) Windows at first floor level and above on the eastern elevation shall be either high level or permanently obscure glazed.

Reason To protect the amenities of neighbouring residential property.

PROVISION OF PARKING AREA

(10) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves 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.

TRAVEL PLAN

(11) The development hereby permitted shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall seek to encourage residents to use modes of transport other than the private car to get to and from the premises through provision of travel information and other measures. 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 it's implementation. From the date of first occupation the occupier shall operate the approved Travel Plan.

Reason: to promote sustainable travel options for the residents in accordance with Core Strategy Policies CS28 and CS34.

CAR PARKING PROVISION

(12) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a maximum of 16 cars to be parked

in total including the provision of 2 disabled spaces and 4 drop off spaces and for vehicles to turn so that they may enter and leave the site in forward gear. Reason: In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be:

- The principle of loss of the existing office use and conversion of the first and second floors into student accommodation
- The quality of student accommodation provided
- The design and appearance of the proposed development
- Impact upon the amenities of neighbouring properties and the character of the surrounding area
- The adequacy of access and parking arrangements

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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPG23 - Planning and Pollution Control
PPS3 - Housing
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS20 - Resource Use
CS21 - Flood Risk
CS03 - Historic Environment
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
PPS4 - Economic Growth