

ITEM: 09

Application Number: 10/02081/FUL

Applicant: Citimark Partnership Ltd

Description of Application: Change of use of first, second, third and fourth floors of building from office use (Class B1) to 75 units of student accommodation, associated car parking (9 spaces), cycle storage and erection of two new exhaust systems on rear elevation of building rooted to roof level in association with ground floor restaurant uses

Type of Application: Full Application

Site Address: ROYAL INSURANCE BUILDING ST ANDREWS CROSS PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 10/12/2010

8/13 Week Date: 11/03/2011

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant conditionally subject to S106 Obligation, to be signed by 8th March

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OFFICERS REPORT

Site Description

The Royal Insurance Building is a five storey, flat roofed, U shaped building that fronts onto St Andrews Cross roundabout at the top end of Royal Parade in the City Centre. Internally, the building has a symmetrical layout, with two wings linked by a central lobby which contains staircases and lifts.

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 ground floor is occupied by chinese/oriental restaurants (The Royal Garden and Buffet City). The upper floors are in office use but only the first floor is occupied, the tenant being Achievement Training which is an office use with ancillary education. The second, third and fourth floors are all vacant.

The building is not listed and is not located within a Conservation Area. It does however contribute positively to the building group about St Andrew's Cross and to the wider setting of Royal Parade. Within the City Centre Area Action Plan, under Policy CC02, the building is recognised as being one of the best surviving examples of the quality that was envisaged in the Plan for Plymouth.

Proposal Description

Planning permission is sought to change the use of the first, second, third and fourth floors of the building from office use (Class B1) to 75 units of student accommodation, with associated car parking (9 spaces), cycle storage and the erection of two new exhaust systems on the rear elevation of the building rooted to roof level, in association with the ground floor restaurant uses.

The proposed student accommodation comprises of twenty cluster flats and 10 studio apartments, providing a total of 75 bed spaces. Floors 1 -3 each have 2 four bed cluster flats, 2 three bed cluster flats, 1 three bed cluster flat and 3 studios. Floor 4 has 1 five bed cluster flat, 1 four bed cluster flat, 2 three bed cluster flats, 1 two bed cluster flat and 1 studio flat. The proposed cluster flats provide a shared kitchen and lounge/diner with each bedroom having an en suite bathroom. The proposed studio apartments are self contained and provide a separate bathroom with living space comprising of bed, kitchenette and small dining area.

Externally changes are minimal and it is not proposed to replace or alter any of the windows or entrances. However, it is proposed to erect 2 new flues to the rear elevation of the building, providing roof level discharge for the new kitchen exhaust systems that are required to ensure that odours and fumes emanating from the ground floor restaurant uses do not cause nuisance to the potential occupiers of the proposed student accommodation.

Relevant Planning History

10/01531/FUL - Change of use of first, second, third and fourth floors of building from office use (Class B1) to 75 units of student accommodation and associated car parking (9 spaces) and cycle storage. WITHDRAWN.

Consultation Responses

Highway Authority – support subject to conditions.

Public Protection Service – support subject to conditions.

Representations

Letters were sent to neighbouring properties and a site notice posted and 2 letters of representation have been received. These are both from the oriental restaurant on the ground floor of the building known as Buffet City and both letters (they are identical, one direct from Buffet City and the other on their behalf from Gard & Co) state that whilst they do *not necessarily object to the proposed use of the first, second, third and fourth floors of the building they would prefer that all entrances/exits to these levels of the building are separate and independent from the restaurant entrance/exit facilities.*

To clarify, both restaurants have their own separate entrance/exits at ground floor, with the proposed access to the student accommodation being separate also. Access to the rear courtyard for the proposed student accommodation is from the central building staircase and the restaurants also have use of this staircase as well as access to the basement from within their own premises, therefore this is not considered to present a problem from a planning perspective.

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.

As stated above, this application proposes to change the use of the first, second, third and fourth floors of the building from office use (Class B1) to 75 units of student accommodation, with associated car parking (9 spaces), cycle storage and the erection of two new exhaust systems on the rear elevation of the building rooted to roof level, in association with the ground floor restaurant uses, at the Royal Insurance Building on St Andrews Cross.

It is considered that the key issues in the consideration of this planning application are:-

- The principle of loss of the existing office use and conversion of the upper floors into student accommodation (Policies CS01, CS05,

- 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 City of Plymouth Local Development Framework Core Strategy (2007) 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.

Discussions with the agent have revealed that the upper floors have been vacant for around 5 years and actively marketed for this period with little interest shown, mainly due a lack of parking for staff and specification being below that of modern purpose built office space. These are common problems for office space in this location and have affected other nearby buildings from the same period, most notably Tamar House, where office space above the main city centre post office was vacant for a period in excess of 10 years. Recently an application (10/01677/FUL - Conversion of 2nd and 3rd floors from office space to 40 units of student accommodation together with modifications to entrances at Tamar House) was granted at this site and it can thus be argued that this decision sets a precedent for the principle of conversion to a residential use of the upper floors of buildings in this area that have an unfulfilled office use.

The reuse of the upper floors of the building is also supported in Policy CC02 (The Royal Parade Blocks) of the adopted City Centre and University Area Action Plan (AAP), which states that *'The blocks forming 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.*

The property is located close to the University, colleges and city centre and is at the centre of the cities transport interchange as it is located opposite the

central bus station at Bretonside. Access to public transport is good and the location of the proposal is thus sustainable with many amenities within walking distance.

When considering the suitability of the site for office use there are three main reasons why it is considered that the loss of employment (office) space in this location should be accepted;

- The site is no longer considered an appropriate location for office use and the building has become unviable as an employment site owing to lack of parking and modern office specification
- Policy CC02 of the City Centre AAP, which encourages the reuse of the upper floors of this building (including residential use)
- The precedent of the previous resolution (10/01677/FUL – see above),

The quality of student accommodation provided

The proposed studio bedrooms each contain integrated bathrooms and kitchenettes and the cluster units have shared kitchen/diner and lounge with each bedroom having a small ensuite bathroom. 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.

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. However, the development proposed is specialist student development and it is not therefore considered appropriate to apply normal residential policy requirements and standards to a specialist form of accommodation. The smallest bedroom in the proposed development is 10.4 square metres (not including the ensuite) and this is considered acceptable and provides a decent standard of accommodation.

Nevertheless, it is considered that if significant derogations from normal residential 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 design and appearance of the proposed development

There are minimal changes proposed to the external appearance of the building and the existing doors and windows are being retained. The main alteration externally is the provision of two new kitchen exhaust systems for the ground floor restaurants that incorporate flues to be routed to high level, in this case discharging at roof level.

Presently, both ground floor restaurants have individual exhaust fans that discharge at ground level into the car park/courtyard to the rear of the

building. This does not provide adequate extraction or ventilation and results in the rear courtyard and first and second floors of the building being permeated by strong odours emanating from the oriental restaurants on the ground floor.

It is proposed that both flues are located on the rear elevation of the building, incorporating a duct extending from both ground floor kitchens and discharging vertically at roof level, as required by building regulations. Neither of the proposed flues are visible from the front of the building and both are sensitively located on the rear elevation, being away from public view. The application is therefore considered 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

As stated above, there are minimal external changes to the building and it is considered that these 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 main amenity impact is likely to come from the existing ground floor restaurant uses and, as stated above, this application proposes to upgrade the existing extraction and ventilation equipment, so that the emission of fumes and odours does not impact upon the amenities of the potential occupiers of the student units proposed within this planning application. The Public Protection Service is also happy that the proposed upgrading of the existing extraction systems and new flues dispersing at roof level will cause no harm to residential amenity and recommend conditions to secure the provision of these facilities. It is thus considered that this application will not impact significantly upon the amenities of neighbouring properties and will not raise new issues of amenity conflict.

The adequacy of access and parking arrangements

The Highways Officer has been consulted and his comments are as follows:

There is no objection to the proposal. Parking levels are minimal but this is appropriate considering the location, access to public transport and parking enforcement in the area. Eight car parking spaces are proposed together with 1 disabled space and cycle parking for around 12 cycles is shown plus 4 cycle spaces for visitors. It is suggested that parking spaces be used for picking up and dropping off purposes rather than allocated to specific residents.

In addition a Travel Plan Condition is suggested to include information and awareness raising for the residents. Access arrangements to the proposed car parking would also need to be set out in the Travel Plan however it is suggested that these spaces are provided for the purposes of picking up and dropping off of students rather than allocated parking for the residents.

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.

Sustainable Resource Use

The Energy Report submitted by the applicants recommends that photovoltaic panels, which are flat panels that convert sunlight into an electrical supply, are used to achieve the savings required by Policy CS20 (Sustainable Resource Use) of the Core Strategy.

Photovoltaic Panels work by generating electricity from light. As their energy source is sunlight, they do not require fuel to operate and produce no air pollution or hazardous waste. Photovoltaic panels are flush to the roof and thus have minimal visual impact, in this case they will not be visible at all from any public area.

The use of photovoltaic panels is adequate in order to meet the 15% energy saving required and the application is therefore compliant with Policy CS20. In order to secure this form of renewable energy a condition is recommended requiring further details showing the location of the photovoltaic cells on the roof of the building.

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 total cost of mitigating this impact is £12, 525

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 total cost of mitigating this impact is £6, 300

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 total cost of mitigating this impact is £33, 304

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 total cost of mitigating this impact is £18,360

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. £12, 525 to be allocated to the provision of additional capacity in local health care facilities within the City Centre locality.
- ii. Libraries tariff. £6, 300 allocated to the provision of improved library facilities in the area.
- iii. Playing pitches tariff. £33, 304 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. £18, 360 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.

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £70, 489 is required. In addition to this, a Planning Obligations Management Fee of £8, 058.60 is required, in order to meet the Councils costs in administering and monitoring the implementation of this Section 106 Agreement.

Equalities & Diversities issues

There are no additional issues to be considered here, no negative impact is anticipated to any equality group.

Conclusions

The case for retaining the existing office use on the upper floors of the building is quite weak given that it is accepted that this space is not really viable for office accommodation, that policy CC02 of the city centre AAP encourages reuse of the upper floors of the building and that a very similar application has been granted at Tamar House, directly opposite the site.

Whilst there remain some concerns about the conversion to student use - particularly around: 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.

The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a Section 106 legal Agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 8th March 2011.

Recommendation

In respect of the application dated **10/12/2010** and the submitted drawings, **Site Location Plan, 10808.EX01, 10808.EX03, 10808.EX04, 10808.EX05, 10808.EX06, 10808.SD15A, 10808.SD16, 10808.SD17, 10808.SD18, 10808.SD19A, 10808.SD20A** and accompanying **Noise Assessment, Energy Statement, Survey of Existing Mechanical and Electrical Building Engineering Services, Phase 1 Geo-Environmental Assessment and Preliminary Design Report for Kitchen Ductwork Modification**, 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 10808.EX01, 10808.EX03, 10808.EX04, 10808.EX05, 10808.EX06, 10808.SD15A, 10808.SD16, 10808.SD17, 10808.SD18, 10808.SD19A, 10808.SD20A.

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.

SOUND INSULATION OF BUILDING

(3) All residential student accommodation shall be converted/constructed so as to provide sound insulation against externally generated noise. The good room criteria as prescribed in BS 8233, shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf, max should not be exceeded in bedrooms (2300 to 0700 night-time), more than 10-15 times per night.

Reason:

To protect the amenity of the occupants/residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT OCCUPATION

(4) 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 by other sections of the community.

TRAVEL PLAN

(5) 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 its 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.

CODE OF PRACTICE

(6) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regard to the hours of working and noise.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF GLAZING

(7) Prior to commencement of development on site, full details of glazing, ventilation, construction materials for building facades and all habitable rooms shall be provided and agreed with the planning authority and designed to meet the good room criteria as stated in Condition 3, with particular attention being given to construction materials.

Reason:

To protect the amenity of nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MITIGATION MEASURES

(8) Prior to occupation, all mitigation measures shall be put in place, tested and verified results forwarded to the planning authority for consideration and approval for all of the residential/habitable rooms within the application site.

Reason:

To protect the amenity of the nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DUCTING/VENTILATION/AIR CONDITIONS

(9) The noise generated by any proposed extract ducting/ventilation/air conditioning equipment (laeqt) shall not exceed the background noise level (la90) by more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason:

To control noise levels generated by the use hereby permitted, in accordance with policies cs22 and cs34 of the adopted core strategy.

FUME EXTRACTION/COOKING ODOUR

(10) Before development on site commences, details of the specification and design of equipment to control the emission of fumes and smell from the ground floor restaurant premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the student housing hereby approved and shall be retained at all times thereafter. Any alteration or variation to the equipment shall be the subject of a fresh planning application. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The extract ventilation system and odour control equipment indicated in WSP December 2010 Preliminary Design report is acceptable.

Reason:

To ensure that the use hereby permitted does not cause any adverse disturbance to the amenities of the residential properties near the premises, and any other properties, and the surrounding area, in accordance with policies CS22 and CS34 of the adopted Core Strategy.

CYCLE AND REFUSE PROVISION

(11) The development shall not be occupied until space has been laid out within the site in accordance with the details hereby approved for cycle storage, refuse storage and wet storage.

Reason:

In order to ensure a full range of amenities is provided at the site, in accordance with Policy CS34 of the Adopted City Plymouth Local Development Framework Core Strategy (2007).

PROVISION OF PARKING AREA

(12) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before first occupation of the development hereby approved. Each space shall remain available for the parking of vehicles and shall not be used for any other purpose.

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 Policy CS34 of the Adopted City Plymouth Local Development Framework Core Strategy (2007).

SUSTAINABLE RESOURCE USE

(13) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. These details shall be based upon the applicants Renewable Energy Report by WSP dated October 2010, and shall include plans showing the location of photovoltaic cells as described in the report. Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period up to 2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available from <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> or on request from the Environmental Protection and Monitoring Team.

AIR QUALITY

(2) Air Quality monitoring in the vicinity of the proposed development has demonstrated regular exceedance of the National Air Quality Objective for Nitrogen Dioxide. Consequently, following conclusion of the formal declaration administrative process, the proposed development will be included in an Air Quality Management Area

As such the Public Protection Service strongly advise that all windows in habitable areas that outwardly face, Old Town Street, Royal Parade and Exeter Street are sealed and that mechanical ventilation is provided as an alternative.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the quality of the student accommodation provided, the adequacy of access and parking arrangements and the impact upon nearby properties amenities, 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 (1) 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
- CS03 - Historic Environment
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites