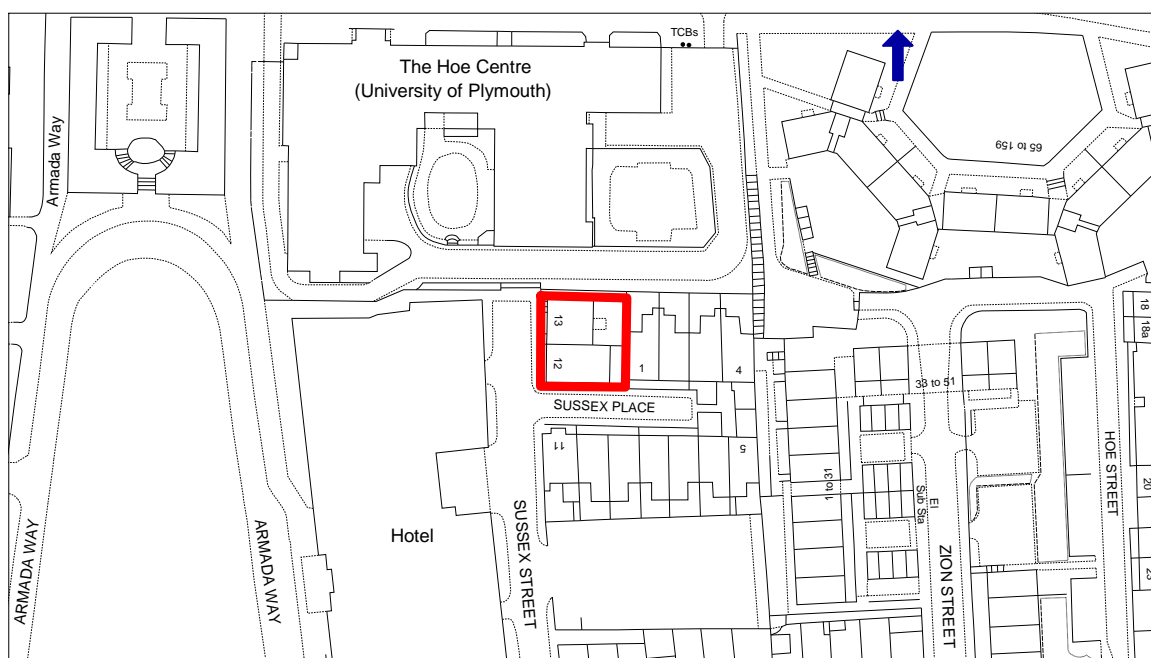


## PLANNING APPLICATION REPORT



**ITEM: 02**

<b>Application Number:</b>	I1/00766/FUL
<b>Applicant:</b>	Mr Alec Macleod
<b>Description of Application:</b>	Change of use from offices to 22 bedroom student house in multiple occupation and housing lettings office.
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	12 - 13 SUSSEX STREET PLYMOUTH
<b>Ward:</b>	St Peter & The Waterfront
<b>Valid Date of Application:</b>	13/09/2011
<b>8/13 Week Date:</b>	<b>13/12/2011</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Karen Gallacher
<b>Recommendation:</b>	Delegated authority to Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6 <sup>th</sup> December 2011
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



**This application is being brought before committee as a result of a member referral from Councillor Penberthy, because the issue of houses in multiple occupation in this area is sensitive, especially given the recent cabinet decision in respect of an article 4 direction.**

### **Site Description**

The site comprises 2, four storey buildings within the Hoe Conservation Area. Number 13 fronts Sussex Street and number 12 fronts Sussex Place. The 2 buildings are linked to each other, but detached from the other buildings in the street. The site was last used as an office, but is currently occupied by students. Both properties have a small rear courtyard.

Sussex Place is a residential cul de sac, adjacent to the Hoe Centre Site and the Holiday Inn

### **Proposal Description**

The proposal is to convert the building from office use to a 22 bed House in Multiple Occupation for students with an office on the ground floor for use by the housing lettings company that is responsible for this proposal. The proposal includes 22 bedrooms, 5 kitchen areas, 2 lounges, 9 WCs and a communal laundry. All the bedrooms have showers and washing facilities. The bedrooms vary in size from approx 12m<sup>2</sup> to 18m<sup>2</sup>. The change of use would involve only minimal external changes.

### **Relevant Planning History**

92/00987/FUL – Change of use of basement from office to meeting place with associated office and crèche - GRANTED

### **Consultation Responses**

Transport – No objection subject to conditions regarding cycle parking.

Public Protection Unit – Recommend that further information is required.

### **Representations**

None as of 10<sup>th</sup> October.

### **Analysis**

The main considerations are the impact on residential amenity and the character of the area, standard of accommodation, transport considerations, matters of public protection such as contamination, mitigation for the impacts of the development, the loss of office accommodation.

#### Residential character and amenity

The residential cul de sac is unusually placed within the conservation area, adjacent to the Hoe Centre site and the Holiday Inn and close to the city centre.

It needs to be considered whether the scale and nature of the proposed development would harm the character and amenity of the area. The particular areas

for concern with such a change of use would be increased disturbance, and whether the intensification of the use of the building would harm the character and amenity of the area and its residents.

On the one hand Sussex Place is a relatively quiet residential cul de sac where the properties are all in close proximity to each other. It is a relatively quiet residential enclave in the conservation area. The introduction of 22 students would have an impact on the character and amenity of the area as it would result in significant comings and goings from the building. In the context of the existing residential street, an additional 22 residents has the potential to represent an intensification in the use of the property.

There are however, a number of considerations that need to be taken into account before deciding whether it would represent a significant intensification that would harm the character and amenity of the area.

Firstly, the existing use needs to be considered. The existing office, until recently, contained up to 20 different business uses. The level of disturbance during working hours would therefore have been similar if not worse than the proposal.

Secondly, the site is adjacent to the Hoe Centre site, which has approval for accommodation for 517 students. Most activity associated with this use would be expected to be directed towards Notte Street, but the opening up of a route through the Hoe Centre site into Sussex Street will change its character. The addition of 22 more students, on the adjacent site is unlikely to make a significant difference, given the comings and goings from 517 students.

Finally, the proposal itself includes office accommodation for the agency letting the accommodation. The applicant has agreed to tie this use to the student accommodation. This arrangement is likely to mean that the unit is well managed. The applicant has also agreed to a management agreement, which includes a 24 hour contact in Sussex Place for local residents to contact.

On balance therefore, taking the above into account, and accepting that this is a central location in the city, the introduction of a 22 bedroom student HMO is not considered to represent a significant intensification of the use of the building or cause harm to the character or amenity of the area or residents.

The alterations to the building are minimal. The use of the rooms as bedrooms rather than offices is not considered to introduce additional overlooking. The privacy, outlook and light of neighbouring property would not be not affected by this proposal.

The proposal is considered to comply with policies CS34, CS15 and development guidelines SPD.

#### Public Protection

The submitted contamination survey requires additional information. It is therefore recommended that a condition requesting this information is included in order to comply with CS22 and PPS23.

### Transport

There are no objections to the proposal from the highway authority. The proposed use, although it may generate a need for parking, would not give rise to on street parking difficulties because the property would be excluded from the 24 hour controlled parking zone. Provision can be made for 11 cycles to be parked, and therefore the proposal is not considered to conflict with CS28 in this respect.

### Loss of office

The site is an existing employment use and as such its loss needs to be assessed against policy CS05. The site is peripheral to the city centre and is not considered to be necessary to meet the area's economic needs especially given the range of office accommodation close to the city centre. The loss of this space is not therefore considered to be contrary to policy CS05. In addition there has been no objection from City Council's Economic Development Service to the proposal.

### Standard of accommodation

All bedrooms are sufficient size to allow for a bed, study area and shower room. There are 5 kitchen areas, communal living rooms and a separate laundry. There is a small external amenity area for cycle parking and bin storage. The accommodation shown is considered to comply with policies CS15, CS34 and development guidelines SPD.

## **Section 106 Obligations**

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in R.eg.122 of the Community Infrastructure Levy Regulations April 20 10.

The impacts relate to the following areas:-

#### 1. Libraries

Library Services advise that development in this area will generate a pressure on the existing Central L1 library facility which The Planning Obligations Evidence Base advises is 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 £ 1,848.

#### 2. Local green space.

By reason of increased population facilitated by the development it will contribute to the cumulative impact on existing green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £5,386.

#### 3. Playing Pitches.

The Plymouth Playing Pitch Strategy 2007-2016 identifies that this area of the city 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 £9,769.

The total estimated cost of mitigating these impacts would be £ 17,003 if this is to be delivered through financial contributions.

The current scheme is brought forward under the structured approach of the Market Recovery Scheme. The applicants have submitted a financial appraisal to justify this approach and clearly able to commence within 2 years. For this development that represents a 50% reduction and the total financial contribution would be £8,502.

Given that the development will not provide for the complete mitigation of its impacts, it is necessary to ensure that the planning contributions are allocated to the address the impacts of greatest need. The following priorities are recommended, having regard to the specific needs of the neighbourhood within which the development is located.

Libraries £925

Green Space £2,693

Playing Pitches £4,885

Section 106 Obligation Heads of Terms:

The following Heads of terms are therefore 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:

1. Libraries: £924 to be allocated to the provision and upgrade of local library facilities.
2. Local Green Space: £2,693 to be allocated to the upgrade and management of local green space.
3. Playing Pitches: £4,885 to be allocated to the provision of improved access to playing pitches.

There would be no requirement for a Planning Obligations Management Fee as the scheme is being considered under the Market Recovery Scheme.

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 in the Development Plan and Central Government Guidance.

### **Equalities & Diversities issues**

The likely users of the development are students mainly aged 18 - 25 years. It will be available to men and women, people of all faith and race groups. There is no requirement for Lifetime Homes given its specialised target group. As the site is close to family houses it is essential that the facility is properly run and there is a robust management agreement to ensure that existing residents do not suffer from any undue nuisance and disturbance. It will not have a negative impact on any group. The application is considered to comply with CS34 in this respect.

### **Conclusions**

The impact of the development on the residential amenity and the character of the area, the standard of accommodation, transport considerations, matters of public protection such as contamination, mitigation for the impacts of the development and the loss of office accommodation are considered to be acceptable and it is recommended that the development proposal be granted conditional consent subject to the satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 6th December 2011.

### **Recommendation**

In respect of the application dated **13/09/2011** and the submitted drawings: site plan, block plan, 31157/SD01 rev A, 31157/SD02 rev A, it is recommended to: **Delegated authority to Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6<sup>th</sup> December 2011**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

#### **Reason:**

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### **DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans site plan, block plan, 31157-SD01, 31157/SD02

**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

### **CYCLE PROVISION**

(3) Within 3 months of the date of this notice, space shall be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 11 bicycles to be parked.

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.

#### STUDENT USE RESTRICTION

(4) The units of residential accommodation within the building shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### MANAGEMENT ARRANGEMENTS

(5) Within 2 months of the date of this notice, details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### BIN STORE DETAILS

(6) Within 1 month of the date of this notice, details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- Bin storage. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## CONTAMINATION

(7) Within 4 months of the date of this notice, unless otherwise agreed by the Local Planning Authority, points 1 to 3 below shall have been complied with.

### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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,  
archeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 2. Submission of Remediation Scheme

If the investigation and risk assessment identify its need, then a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and 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.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.



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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and 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.

#### INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under the above management condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations.
- 2 - To employ a warden who is resident at the property,
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the on site car parking spaces must only be used for drop off purposes and not be used by tenants or visitors for car parking.
- 4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.
- 7 - Details of the proposed Management of the bin stores.
- 8 - Details of the operation of the office accommodation

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

Having regard to the main planning considerations, which in this case are considered to be: affect on the character and amenity of the area, loss of office, impact on the highway network, contamination considerations and standard of accommodation 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:

- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS05 - Development of Existing Sites
- CS03 - Historic Environment
- CS02 - Design
- CS15 - Housing Provision
- PPS5 - Planning for the Historic Environment