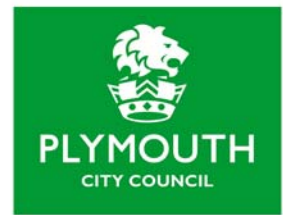


PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 12/00676/FUL

Applicant: Brunswick Limited

Description of Application: Change of use, conversion and alteration of care home to form two student houses in multiple occupation (containing a total of 17 bedspaces) including removal of rear extensions to No.9 and formation of parking area and associated bin and cycle storage

Type of Application: Full Application

Site Address: 7 & 9 SEATON AVENUE PLYMOUTH

Ward: Compton

Valid Date of Application: 03/05/2012

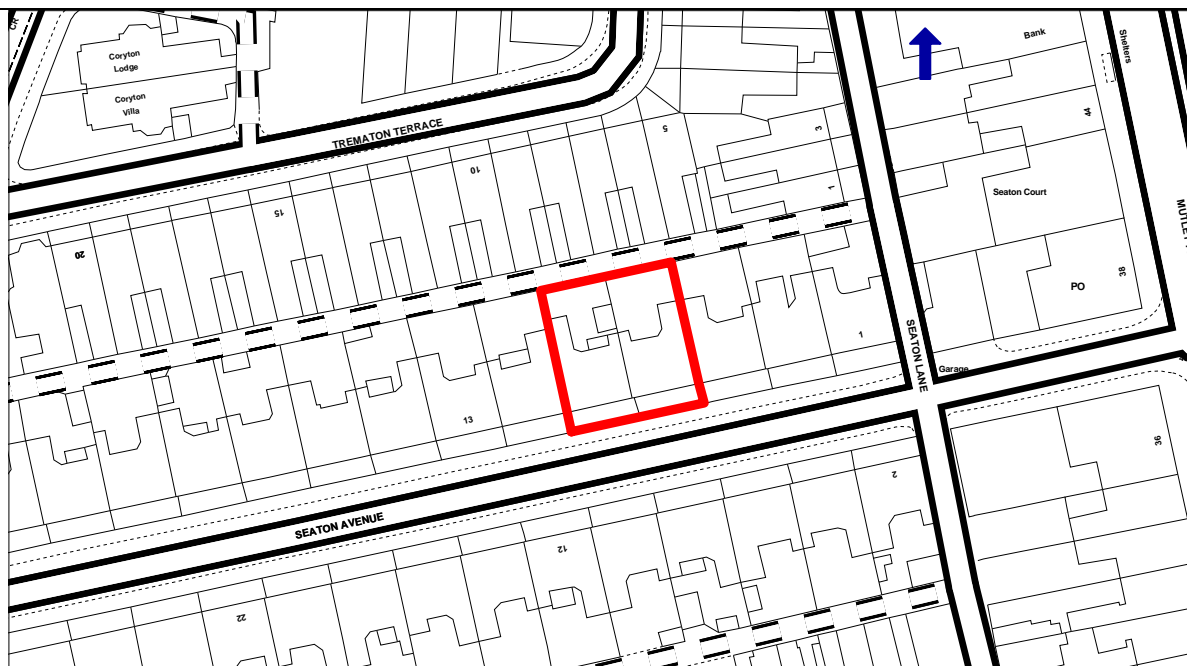
8/13 Week Date: 28/06/2012

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28 June 2012

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This application has been referred to planning committee by Councillor Richard Ball who is concerned that the development will intensify the imbalance between family dwellings and Houses in Multiple Occupation (HMO) within the street. Cllr Ball considers that the development will also create problems with parking, refuse and noise which will unacceptably affect existing residents.

Site Description

7-9 Seaton Avenue is a terraced, period property situated in the Mutley area of the City. The site is located just a short distance from the Mutley Plain district centre. The property is bounded by neighbouring residential properties to the east and west and a service lane to the rear. The building is currently vacant but was formerly used as a care home.

Proposal Description

Change of use, conversion and alteration of care home to form two student houses in multiple occupation (containing a total of 17 bedspaces) including removal of rear extensions to No.9 and formation of parking area and associated bin and cycle storage.

Pre-Application Enquiry

None

Relevant Planning History

12/00678/OPR – Possible use as student accommodation – Open enforcement case which was raised after we had received the current planning application and were made aware work had commenced on site

86/00793/FUL – Extension to care home for the elderly – Granted conditionally

84/01410/FUL – Construction of lift shaft – Granted conditionally

82/02578/FUL – Change of use from dwellinghouse to home for the elderly – Granted conditionally

Consultation Responses

Highways Authority – No objections subject to conditions

Public Protection Service – No objections

Representations

7 Letters of objection have been received and the main issues raised are:

- Increase in noise/disturbance
- Refuse problems e.g. bins being left out at the front all week
- Increase in parking demand
- Anti-social behaviour including damage to cars, bins rolled down street
- Imbalance in family properties to HMOs/Sustainable communities
- Article 4 directive demonstrates there are too many student houses
- Student properties are not maintained
- Work started without consent
- The development needs to be considered with regards to the wider North Hill-Mutley picture (other student accommodation under construction)
- Many student houses in surrounding streets are vacant
- Lead to “studentification” of the street
- Amenity area will lead to increased noise and disturbance from parties etc
- Sound proofing
- No management plan

Analysis

This application turns on Policies CS01, CS15, CS28, CS33, CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document. Appropriate consideration has also been given to the National Planning Policy Framework 2012. The main planning considerations are the effect on the amenities of neighbouring properties and the impact on the character and visual appearance of the area as detailed below.

Character and appearance of the area

Policy CS01 of the Core Strategy supports the development of Sustainable Linked Communities where development is of an appropriate type, form, scale, mix and density in relation to its location. Many of the concerns raised by residents suggest that there are already too many HMOs compared to family dwellings in the area and this development will tip the balance irreversibly.

Research has suggested that at present 31% of properties within the street are HMOs. This development will increase this figure to 37%. Evidence therefore suggests that even with this development the majority of properties within the street would still be in family occupation and there would not be “studentification” of the street. It should also be noted that the development does not involve the loss of a family dwelling. The property was in use as a care home and this factor has to be taken in to account. A recent Inspectors decision at No. 7 Queens Road, Lipson which granted permission for conversion of a nursing home to a HMO made a number of comments on the potential impact on the character and appearance of the area. It was noted that the area was comprised of mainly family properties and flats, with roughly 20% of properties in student occupation with the potential for other properties to also be in multiple occupancy. With this in mind, and given the comings and goings from the nursing home, the inspector concluded that “replacing a residential institution use with the current scheme (16-bed HMO) will make very

little difference to the mix of properties in the locality or to the character of the area”.

The comparisons between the application at the subject property and 7 Queens Road are clear and given this appeal decision it is considered that the principle of conversion to a HMO could not be considered unacceptable in this case.

It is noted that reference has been made to the Article 4 Directive which will come in to force on 14th September 2012. The purpose of this directive is to protect the loss of single family dwellings and prevent their conversion, without the need for planning permission, to a HMO. This application involves the loss of a care home therefore the Article 4 Directive has no bearing on this application.

Whilst the principle of the development is considered acceptable consideration must be given to the scale of the proposal. The proposal initially involved the creation of a total of 20 bedspaces but this has been scaled down to 17, which is the same as the care home. The proposal is therefore considered appropriate in scale and will not overdevelop the site.

It is noted that it has been suggested that student accommodation in the area is currently vacant. However the applicant considers that there is a market for high quality student accommodation and given the size of the property it is hard to suggest a suitable alternative use for the building. It is hoped that by providing new larger units of student accommodation some existing smaller HMOs will be converted back in to family dwellings.

The proposal involves few alterations to the external fabric of the building. The property has been extended in a piecemeal nature to the rear and some of these extensions will be removed to allow for the creation of off-street parking. In addition an entrance door will be reinstated at No. 9. It is not considered that these alterations will have an adverse impact on the aesthetics of the area.

Effect on neighbouring properties

Neighbouring residents have raised concerns that the development will have a demonstrably harmful affect on noise levels, will increase incidences of anti-social behaviour and impact on current problems with refuse.

In relation to noise the appeal decision at 7 Queens Road provides a useful view. The Inspector noted that “given the former use was not a single family dwelling but a residential institution with 18 residents and associated care workers and activities, there is little scope for the new use to cause a noise problem”. Furthermore it was noted that residential use whether in the form of a nursing home or a HMO is not in itself a noisy or polluting use. A similar argument could be made in this case.

In any case the applicant has submitted a management plan to support the proposal. The management plan states that:

“There is a generally held belief that all students constitute as “undesirable element” but it is believed that this is attributable to a minority group; all tenants however will be reminded of the need for acceptable behaviour in this established and mature

residential area that could otherwise prevent the quiet enjoyment of adjacent dwellings. This will include control of noise when entering or leaving the premises, particularly within anti-social hours, the playing of loud music being discouraged, the use of foul language etc. The respect of adjacent property is also to be encouraged”

Any future residents will therefore have clear guidance on what is deemed acceptable behaviour and it is hoped that noise issues will not arise any more than from a single dwellinghouse.

In respect of the issue of soundproofing building control colleagues have confirmed that there will be no requirement for any additional measures. The property is of a period construction and will have thick, solid external walls which are considered more than sufficient to limit noise transfer.

The refuse facilities proposed at the property are sufficient and accord with the requirements of the Development Guidelines SPD. Ideally the bin located nearest the property would be situated slightly further away but given the need to provide accessible parking and a separate amenity area this is considered acceptable in this case. A number of residents have raised concerns about bins being left at the front of the property. Again residents will be made aware of refuse collection arrangements within their tenant information pack failure to comply with this information could be considered a breach of their tenancy agreement.

In relation to anti-social behaviour it is deemed that the submitted management plan should tackle this potential issue. There are no further controls that could be imposed to address this concern by the Local Planning Authority.

Parking

The initial application for a 20-bed HMO proposed a car free development and this was considered unacceptable. The property lies in a permit zone which is only operational between 0800-1000 Monday to Saturday, so in accordance with Policy CS34, the development must make a contribution towards meeting any parking demand. Following discussions with the applicant it was concluded that the rear extension be removed to accommodate the necessary off-street parking.

The Development Guidelines SPD suggests that student accommodation, in areas of shorter parking control, should make off-street provision of parking at 50% of the maximum standard. A HMO requires 1 space per 2 rooms and as such the total requirement for this amended proposal would be 4 off-street parking spaces (50% of 8 spaces). In order to protect parking availability for neighbouring properties this provision is considered a minimum requirement to cater for potential car ownership. The sustainable location of the site may help encourage non-car based travel but will not remove the potential of car ownership and its subsequent parking demand.

The care home had use of 2 parking permits (1 for No: 7 and 1 for No: 9) allocated to it for use within the permit scheme. The development would be excluded from obtaining permits or visitor tickets for use within the scheme. However, due to the short period of operation this in itself would not protect neighbouring properties from any on street parking as it would be possible for cars to be temporarily moved during the restricted times and brought back outside of these hours. Therefore the

above parking provision must be secured by way of a planning condition to meet the Policy requirements.

It is deemed that the development will be meeting the parking demand arising from the proposed use and therefore the highways authority is happy to recommend approval subject to conditions. It should also be noted that staff and visitor travel, and associated parking on-street outside of the controlled hours or by way of the permits to the care home will be removed from the network. Such trips can be discounted against the likely trips generated by the student occupants

The provision of cycle storage is welcomed and would be required as a minimum requirement, secured under a condition. The applicant can provide 9 spaces in total, which slightly exceeds the minimum requirement.

Living Conditions

The proposal will involve very few alterations to the internal fabric of the building. The most significant change will be the addition of en-suite bathrooms to all bedrooms. The period nature of the property means all rooms will be light and airy. All bedrooms will be of a sufficient size and communal areas will provide a full range of facilities. The accommodation will provide a decent standard of living for all future occupiers.

Other Issues

It has been noted by neighbouring residents that work has already commenced on site. The applicant was advised when this matter was brought to our attention that they should stop work. However the applicant has decided to continue the development on an “at risk” basis.

A further point was raised in the letters of representation regarding the lack of maintenance surrounding student properties. The building will undergo a complete refurbishment both inside and out as part of this application and as stated in the management plan the applicant will have agreements with local trades people to ensure the building undergoes scheduled maintenance in the future.

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £5,000 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

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.

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 Reg.122 of the Community Infrastructure Levy Regulations April 2010.

The impacts relate to the following areas:-

I. 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 £7,549.02

The total estimated cost of mitigating these impacts would be **£7, 549.02** if this is to be delivered through financial contributions.

Market Recovery

The applicant has claimed that the development would be unviable with allowance for full mitigation of these impacts and has submitted a viability report to support this view. The applicant has therefore indicated that they wish to have the application considered under the Council's Market Recovery Scheme.

The Market Recovery Scheme 2011/12 sets out the following measures:

- Up to 50% discount on tariff contribution sought for development on Brownfield sites
- A requirement for a substantive start to be made on the development within 2 years.

The developer is prepared to commit to the early delivery of this project, and this is considered to be a weighty material consideration in its own right given current economic circumstances, sufficient to justify a limited relaxation of the Council's policy requirements for mitigation of development impacts, in accordance with the Market Recovery Scheme.

Heads of Terms

Without the discount, we would normally be seeking to negotiate contributions in the order of £7, 549.02 to mitigate each of the impacts identified above. However, under the provisions of the Market Recovery Scheme the following heads of terms have been negotiated, and considered to be acceptable. The Heads of Terms have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local playing pitches. £3,774.51 to be allocated to the provision of improved playing pitches in the area*

Equalities & Diversities issues

The internal finished floor level to the Ground floor is set slightly higher than pavement level and currently has a couple of steps up to each of the entrances. Level access cannot be achieved into the building from the front elevation without constructing ramps which could be detrimental to the street-scene. It is the intention of this design to have level access into the building from the rear elevation through each of the communal kitchens. If required rooms 3 & 4 of No. 7 Seaton Avenue can be accessible.

Conclusions

The proposal is considered to provide a new use for the building which will be of an appropriate nature and scale to preserve the character and appearance of the area. The development will provide a high standard of living for future occupiers and every effort has been made to limit the impact of the development on existing residents. The application is therefore recommended for approval subject to the completion of a Section 106 agreement.

Recommendation

In respect of the application dated **03/05/2012** and the submitted drawings 766-302 P, 766-301 P, 766-303 A, 766-304 A, 766-300 P, Parking and Access Study May 2012, Management Plan, and accompanying Design and Access Statement 766/DAS/01 May 2012, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 28 June 2012**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 766-302 P, 766-301 P, 766-303 A, 766-304 A, 766-300 P.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(2) The premises shall not be occupied for the purposes hereby approved until space has been laid out within the site in accordance with the approved plan for a maximum of 4 cars to be parked (and for the loading and unloading of 1 further vehicle).

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 in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(3) 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.

STUDENT ACCOMMODATION

(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 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.

BEDROOMS

(5) No more than 17 rooms at the application site (Nos. 7 and 9) shall be used as bedrooms. Only the numbered rooms on the approved plan 766-303A shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms is as proposed in the application and is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MANAGEMENT

(6) The property shall be managed at all times in accordance with the submitted management plan, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - PERMIT PARKING SCHEME

(1) The applicant is advised that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact on the character and appearance of the area, effect on the amenities of neighbouring properties, and transport aspects, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (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:

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS01 - Sustainable Linked Communities

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012