

PLANNING APPLICATION REPORT



ITEM: 6.6

Application Number: I3/00873/FUL

Applicant: BEW Properties Ltd

Description of Application: Demolition of single storey building and erection of 4 storey student accommodation block to provide 4 self-contained flats (15 bed spaces in total)

Type of Application: Full Application

Site Address: GULLAND HOUSE, WINSTON AVENUE PLYMOUTH

Ward: Drake

Valid Date of Application: 17/05/2013

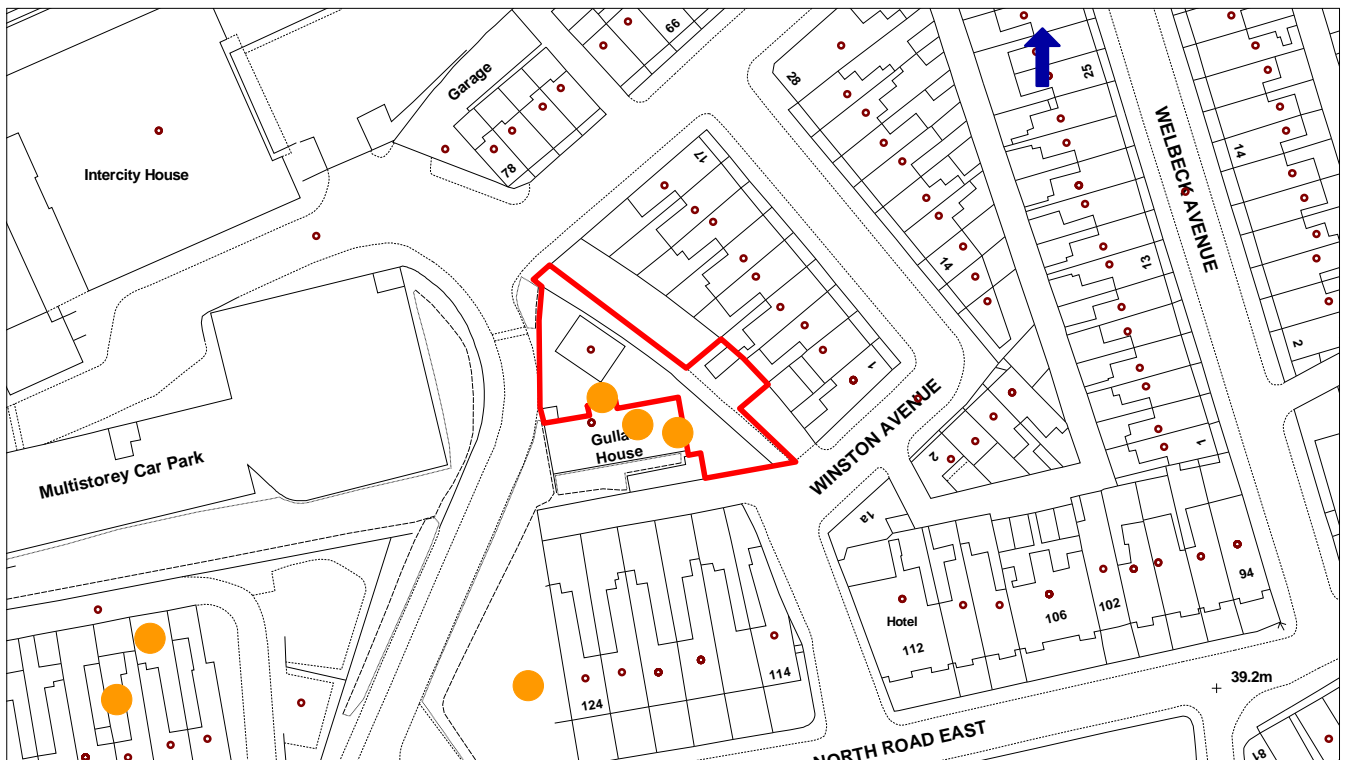
8/13 Week Date: 12/07/2013

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

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This application has been called in to Planning Committee by Councillor Singh.

Site Description

Gulland House is a two-storey brick building that is already in use as student flats. To the west of the site lies Station Approach Road, to the east a footpath separates the site from the rear gardens of dwellings along Winston Avenue and to the south it backs onto a rear service lane for dwellings along North Road East. Gulland House occupies a sloping, triangular site. The application relates to a single-storey building to the north of Gulland House which is also in use as student accommodation.

Proposal Description

Demolition of single storey building and erection of 4 storey student accommodation block to provide 4 self-contained flats (15 bed spaces in total)

Pre-Application Enquiry

The Council's advice was that the principle of the development would be acceptable, subject to concerns over design, overlooking, standard of accommodation and refuse storage being addressed.

Relevant Planning History

12/01702/FUL – First floor extension on south elevation - permitted

Consultation Responses

The Highways Authority has no objection to the application. It is in a sustainable location and therefore parking spaces are not required. The property is already excluded from the Residents Permit Parking Scheme. The provision of 10 cycle parking spaces exceeds the required standards and can be secured by condition. Conditions are also recommended to secure the drop-off spaces and a code of construction practice.

The Private Rented Housing Team has no objection to this application.

The Public Protection Service has no objection to the application but recommends that an unexpected land contamination condition is attached and a code of practice condition to protect residents from disruption during construction.

Network Rail (awaiting response)

Representations

10 letters of representation have been received including residents of Winston Avenue and Glen Park Avenue.

The following concerns have been raised:

- Additional student accommodation will increase disruption to residents from rubbish, parking and noise.
- There is already a parking problem in the area. This development will add to this.
- The height of the proposed building will restrict light to residents of Winston Avenue and reduce their privacy from over-looking and block views.

- How will construction of the building take place? Construction will cause disturbance to residents.
- It will create a student ghetto.
- The modern design of the building and height does not fit the character of the area.
- There is no need for more student accommodation in this area, there is enough student accommodation already.

Analysis

1. The proposal has been designed to have a contemporary appearance to replace what is currently an unremarkable single-storey building. Overall, the site currently looks messy and unwelcoming.
2. The proposal is for an angled building of 20m length on the east elevation, 7m width and 12m long on the west elevation. This compares to the existing footprint of the building that is 9m long by 7m wide. The building has been designed to have an angled end elevation to follow the boundary of the site. It is positioned at an angle to Gulland House, with the entrance to the new building positioned opposite the entrance to Gulland House.
3. The proposed building is four storeys, 11m high at the base of the site and 8m at the top. The building will be built into the side of the slope by about 2m. The height of the existing Gulland House is 12m, but because of its position at the top of the slope it appears to be about 3m higher than the top of the proposed new build.
4. The current building on site is 5m high at its highest point (at the bottom of the slope) and 3.5 at its lowest (top of slope). Therefore, the new build will be over twice as high as the current building and about twice as long.
5. The angled end elevation will be the kitchen/living area for each flat, with large windows and a balcony on the west elevation (facing towards Central Park) while bedrooms will be located along the side elevations, with angled bay windows for the rooms along the east elevation. The entrance to the building is on the south elevation.
6. The key planning considerations with this application are: principle of student accommodation, highways and parking, design and landscaping, impact on the amenity of neighbours, and standard of accommodation. The key policies are considered to be: policies CS34, CS02, CS18, CS22 and CS28 of the Core Strategy, the Development Guidelines and Design SPDs and the NPPF.

Principle of student accommodation

7. The site is within the Article 4 area relating to control of C4 (HMO) uses. While the proposal would be a sui generis use due to its scale and therefore not subject to the Article 4 direction, the principle of student accommodation in this area is still a consideration.

8. Data on council-tax exempt properties shows that there is an existing high concentration of student properties in the immediate area, reflecting the area's proximity to the University and the City Centre. Only two properties adjoining the site on Winston Avenue are not student HMOs.
9. The site is already in use for student accommodation (the existing dwelling to be demolished is student accommodation as is Gulland House), therefore the use is already established on this site. This application is for an intensification of the use, with an increase in rooms from 3 to 15.
10. Concerns have been raised about an intensification of student use. However, officers do not consider that 12 additional rooms represent such a significant intensification of use, given the concentration of student properties already in the area. Therefore, the principle of the development in this location is supported.

Highways and parking

11. Concerns have been raised that the proposal will give rise to additional on-street parking pressures that are already experienced in the area. The site lies within a 6 day a week, 6 hour a day Controlled Parking Zone. The property is already excluded from the Residents' Permit Parking Scheme and therefore residents of Gulland House are unable to park on-street in the vicinity. Residents of the new development would not be eligible for parking permits, and this can be stated in an informative.
12. At the top end of the footpath there is vehicle access from Winston Avenue to the rear of properties at the top end of Winston Avenue. An area to the back of No. 5 and 7 Winston Avenue is shown within the red line of the development as a drop-off point for two vehicles. The amended plans show that a garage currently within the ownership of the applicant will be demolished and replaced by a hard-standing area, increasing the size of the drop-off area and making it more useable.
13. The provision of 10 cycle parking spaces on site exceeds the required cycle parking standards and can be secured by condition.
14. The site is in a sustainable location and therefore the lack of on-site parking spaces is in conformity with guidance on parking in the Development Guidelines SPD. Conditions can be applied to secure the two drop-off spaces shown on the plans.
15. A public footpath runs along the side of the development, and is within the ownership of the applicant. It is important that the path is not obstructed during construction or once the development is in use. The upper end of the path will be used as vehicle access to the drop-off point. This needs to be maintained to a standard suitable for vehicular access. This can be required by condition.
16. A code of construction practice can be required by condition to minimise disruption during construction, by setting out hours of working, access and on-site management of the construction process.

Impact on residential amenity

17. The site is bordered to the east by a footpath leading from Glen Park Avenue to Winston Avenue. Dwellings along Winston Avenue back on to the path. The distance from the eastern boundary of the site and the rear tenements of these properties is about 18m, while the distance to the rear elevation is about 25m. The properties closest to the development are at the lower end of Winston Avenue. The distance to the rear boundary of these properties is only about 3m.
18. Concerns have been raised about loss of light, outlook and privacy to residents of Winston Avenue.
19. The properties along Winston Avenue are two-storey dwellings with rear tenements and bay windows, therefore the new building will appear higher and will obstruct views from their upper floors compared to the existing single storey building. While there is no right to protect views, residents do have a right to protect their properties from detrimental shading and loss of outlook. Winston Avenue is located to the east of the site. Some shading of the rear amenity areas of the properties may occur in the evenings when the sun is in the west and therefore behind the new building, but officers consider that the amount of shading would be limited. There will also be some loss of outlook to the west to the properties at the lower end of Winston Avenue, although outlook to the south and north will be largely unaffected. The Development Guidelines SPD states that expectations of privacy and outlook vary in different locations within the city. In this location, the site is adjacent to residential properties on one side, but to commercial uses on the other. The site is adjacent to the boundary of the City Centre Area Action Plan where significant regeneration is proposed. Officers therefore consider that outlook is less of a consideration in this location which is on the boundary between residential and commercial uses than it would be in a purely residential neighbourhood.
20. In relation to privacy, the windows along the proposed east elevation would be projecting angled bay windows with high level windows in the end kitchens. The design of the building has sought to reduce any overlooking of properties in Winston Avenue by locating the principal windows on the north and west elevations of the building, away from residential properties. Officers consider that the amended design of the windows means that there is no direct overlooking of residential properties, therefore officers do not consider that there will be detrimental overlooking of these properties.
21. The south elevation of the building will be the entrance and stairwell area, therefore no living areas will be positioned on this elevation to protect the privacy of occupiers of Gulland House.
22. The houses along Glen Park Avenue are positioned to the north of the development and their front elevations face towards the site. The new development will appear particularly dominant when viewed from this street because of the difference in levels. However, officers do not consider that there would be any detrimental shading, overlooking or loss of outlook from the development.

23. Concerns have also been raised about noise and litter arising from more students living in the area. The plans include a proposal for a bin storage area at the top of the site for four, 1101 litre bins. This would be sufficient to service both the residents of the new development and Gulland House. The bins would be screened from Winston Avenue by a high limestone wall. This would be an improvement on the existing situation where there is no dedicated bin storage area, and details could be required by condition.
24. While an intensification of use will add to the number of students living on the site, a management plan for the student accommodation has been submitted, and the implementation of this on site could be conditioned to protect against undue noise.

Design and landscaping

25. The site is shown adjacent to the zone of opportunity for tall buildings within the Design SPD. Its location close to the railway station means that it is close to one of the gateway sites to the city, as shown on Diagram 2 of the Core Strategy. It is just outside the City Centre AAP area, adjacent to proposal CCI4 (North Cross and the Railway Station) which is identified as a new office quarter together with an upgraded railway station.
26. The site is prominent when viewed from the bottom of Station Approach Road, but is less visible from the top of the hill towards North Cross roundabout. The site is triangular in shape and sloping. The current single-storey building on site is of a functional appearance, with no clear relationship to the street or surrounding buildings.
27. The proposed development would be of a contrasting design and orientation to Gulland House, with a modern appearance and flat roof. The angled end design would be a memorable feature and would provide a more positive relationship to the street in comparison to the existing arrangement. It has been designed to maximise views from the site on the north and western elevations and to provide natural surveillance over the footpath along the eastern edge of the development.
28. The site is split level, with the entrance to the building on the upper level (to be hard-surfaced) and steps down to a lower amenity space (also hard-surfaced). A landscaping condition can be applied to require details of surfacing and planting to be agreed. In addition, a condition requiring details of boundary treatment to be submitted can also be applied.
29. The building is to be a mixture of timber cladding and render, with solar panels on the roof. Details of timber cladding and render can be requested by condition.
30. Officers consider that the building has been designed to respond to site constraints and to minimise detriment to residents. The modern design, while contrasting with the more traditional appearance of Gulland House, is considered to be appropriate to this central location.

Standard of accommodation for occupiers

31. The proposal is for four self-contained student flats (one on each floor). The layout is as follows:
- Lower ground: 4 bedrooms and kitchen/ living area, with direct access to patio area.
 - Ground floor: 3 bedrooms and kitchen/living area with balcony. One room is designed to be fully accessible for disabled occupiers.
 - First floor: 4 bedrooms and kitchen/living area with balcony.
 - Second floor: 4 bedrooms and kitchen/living area with balcony.
32. Officers consider that the layout will provide a good quality of student accommodation. The provision of balconies and amenity space is welcomed, as is provision of a bin storage area. A condition can be attached limiting occupation of the building to full-time students only.
33. Officers note that the applicant will need to apply for an HMO licence from the City Council, to ensure that the accommodation meets required standards.
34. 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.

Local Finance Considerations

Section 106 Obligations

There are no S106 obligations required for this application.

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development is £22,860 which includes potentially qualifying existing floorspace which is to be demolished as part of the development. This information is based on the CIL information form submitted with the application.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance.

New Homes Bonus

Not applicable

Equalities & Diversities issues

This proposal will provide accommodation for students, including one room suitable for a disabled person.

Conclusions

On the grounds that the proposal is acceptable in principle, will not cause overlooking of nearby properties, is acceptable in terms of highways and parking, will improve the appearance of the site and will provide an acceptable standard of accommodation, it is recommended to grant conditional approval.

Recommendation

In respect of the application dated **17/05/2013** and the submitted drawings AL01 Site location plan, AL02 Existing site plan, AL03 Existing floor plan and elevations, AL04 Proposed site and roof plan Rev A, AL05 Proposed lower ground and ground floor plan Rev A, AL06 Proposed first and second floor plan Rev A, Design and Access Statement, Visual impressions
Alterations to windows on east elevation, small reduction in height and alterations to entrance porch, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: AL01 Site location plan, AL02 Existing site plan, AL03 Existing floor plan and elevations, AL04 Proposed site and roof plan Rev A, AL05 Proposed lower ground and ground floor plan Rev A, AL06 Proposed first and second floor plan Rev A, Design and Access Statement, Visual impressions.

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.

CYCLE PROVISION: at least 8 spaces

(3) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 8 bicycles to be securely parked. The secure area for storing bicycles 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:

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.

CAR PARKING PROVISION

(4) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter 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.

SURFACING OF DRIVEWAY/PARKING AREAS

(5) Before the development hereby permitted is occupied, the driveway and parking area shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 8m from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING RESTRICTION

(6) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

Reason:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(7) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(8) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of windows, timber cladding and render, 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 in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(9) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance

with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT ACCOMMODATION

(10) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy 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 planning application for consideration on its merits.

CODE OF PRACTICE DURING CONSTRUCTION

(11) 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 and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BOUNDARY TREATMENT

(12) Prior to the commencement of the development, hereby approved details of the boundary treatment around the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the visual amenity of the street-scene in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy adopted 2007 (2006 - 2021) and the NPPF.

MANAGEMENT PLAN

(13) The development hereby approved shall be implemented in accordance with the approved management plan for student occupiers.

Reason:

To protect the amenity of neighbouring residential properties in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy adopted 2007 (2006 - 2021) and the NPPF.

REFUSE STORAGE

(14) Prior to the commencement of development, details of the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the visual amenity of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy adopted 2007 (2006 - 2021) and the NPPF.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(1) The applicant should be made aware 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.

INFORMATIVE: (2) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: PUBLIC RIGHT OF WAY

(4) A public right of way is a highway in law and should be open and available at all times for public use. If the applicant believes the path will need to be closed either to allow development to take place or on the grounds of public safety a Traffic Regulation Order must be sought.