

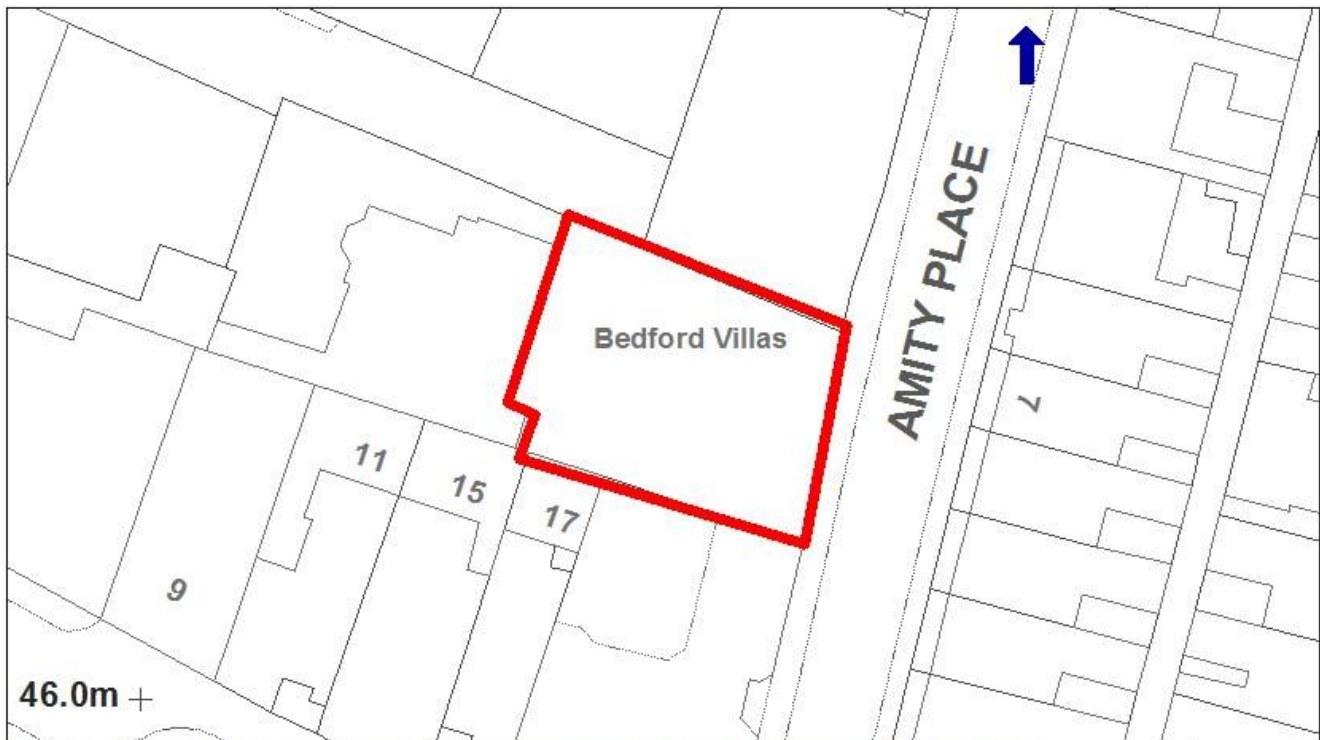
PLANNING APPLICATION REPORT



Application Number	14/01095/FUL	Item	04
Date Valid	07/07/2014	Ward	Drake

Site Address	BEDFORD VILLA, AMITY PLACE PLYMOUTH		
Proposal	Erection of 6 bed house in multiple occupation		
Applicant	BT Developments Ltd		
Application Type	Full Application		
Target Date	01/09/2014	Committee Date	Planning Committee: 11 September 2014
Decision Category	Member Referral		
Case Officer	Simon Osborne		
Recommendation	Grant Conditionally		

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This application has been referred to committee by Councillor Ricketts.

1. Description of site

The site forms part of the curtilage of Bedford Villas a substantial two storey period property. The site is currently hard surfaced and is accessed from Amity Place.

The surrounding area is predominantly residential in character. Bedford Terrace is a set of four storey town houses built on higher ground to the north.. These properties have fairly generous front gardens, which at the eastern end of the terrace, contain mature and semi mature trees including a copper beech in the garden of No.10 which is the subject of a Tree Preservation Order (TPO – No. 457). No. 9 is a grade II listed building.

Amity Place is also residential in character, but different in scale. It contains smaller three storey terraced houses on its eastern side and 'The Friendship Inn' public house, on the corner of Amity Place and Armada Street

The western side contains a modern three storey block (Nos. 20-27) on the corner of Amada Street and Amity Place and a row of older, terraced, houses Nos. 5-17) Armada Street to the south.

The site is located close to Plymouth University and the character of the surrounding area is influenced by the student community.

2. Proposal description

The proposal is for the erection of a new six bed house in multiple occupation.

3. Pre-application enquiry

Pre-application discussions have taken place, concerns were raised regarding the protected tree and the design. The present proposal has attempted to address these concerns.

4. Relevant planning history

13/02396/FUL - Erection of two four-bedroomed houses in multiple occupation - withdrawn

09/00146/FUL - Redevelopment to provide 30 student study bedrooms in one three-storey block together with 5 parking spaces and associated landscaping – Granted.

08/01289/FUL -Redevelopment to provide 45 student study bedrooms in two blocks (4 storey block containing 40 study bedrooms and 3 storey block containing 5 study bedrooms) together with 3 parking spaces and associated landscaping- Refused

07/00966/FUL- Change of use from offices to single family dwelling – Granted.

5. Consultation responses

Local Highway Authority – No objections subject to conditions

Public Protection Service – No objections subject to conditions

6. Representations

4 letters of objection have been received regarding this application. A further 40 copies of a generic letter of objection have also been received.

The issues raised are:

1. Impact on the protected Copper Beech Tree – No tree survey
2. Not consistent with the Article 4 direction. – Too many HMOs
3. The design is out of character and will have a negative impact on the listed building
4. Parking issues
5. Noise and mess associated with students
6. No Design and Access Statement
7. Bedford Villa is already an HMO.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

This application also turns upon policies CS03, CS15, CS18, CS22, CS28 and CS34 of the Plymouth Local Development Framework Core Strategy and the 'Development Guidelines' Supplementary Planning Document.

8. Analysis

1. The main issues to consider are the impact of the development on the character of the area including the listed building, the impact on highways, and public protection issues

The impact of the development on the character of the area and visual amenity.

2. The Council is aware that the rapid growth of the University has led to an imbalance in communities, particularly in Greenbank and Mutley, driven by a desire from students to live in close proximity to the university campus. The conversion of many family homes to HMOs has resulted in the “studentification” of numerous streets which has caused problems for some communities. The City Centre and University Area Action Plan acknowledges the problems of “studentification”, and notes there is a need to identify areas where purpose built student accommodation would be appropriate to try and improve the quality of life for residents in affected areas.
3. The concerns raised about the loss of many small family homes to HMOs led to the Council introducing an Article 4 direction on the 14th September 2012. In addition the Development Guidelines Supplementary Planning Document (Development Guidelines SPD) has recently been updated to introduce a “threshold approach” to considering HMOs or other Student accommodation. It considers that changes of use that would result in a concentration of HMOs higher than 25% of all residential buildings, within a defined 100m distance of the site or the wider census area, will be resisted. Information would suggest that between 45 – 60% of properties within the census output area where the site is located are HMOs. Considering the 100m street level data, the information available would suggest that the area has reached the 25% threshold. Advice in the Development Guidelines SPD suggests that once a figure of 90% is reached there should also be a presumption in favour of development. however this is not the case here.
4. However in terms of the wider area, the new facilities for students could help to redress the balance of HMOs to other residential accommodation as some smaller properties are converted back in to family housing. This would be a welcome benefit of the development. In addition the location of this site so close to the university means that students are less likely to congregate in the wider residential areas. There is therefore an argument that although not reaching the 90% threshold the area is largely studentified and given the positives mentioned particularly the positive contribution to reducing demand for conversion of family dwellings, the proposal is considered acceptable.
5. The site has been granted permission for 30 bedspaces as recently as 2009. The present proposal would be for considerably less bedspaces. Although this permission has now expired and was prior to the adoption of the Article 4 direction it should still be considered as a material consideration.
6. With regard to design and visual amenity the proposed building located on the Amity Place frontage and would continue the existing street pattern of frontage development along Amity Place. The dwelling would be slightly set-back from the adjacent footway which would help to reduce its dominance on the from the adjacent footway. It would be similar in height to the existing dwellings opposite. The proposal is considered an adequate distance away from the listed building to ensure that the impact on its setting is acceptable.

Highways

7. The Local Highway Authority does not wish to raise any objections in principal to the proposal to develop the application site and create a 6-bed House in Multiple Occupation (HMO), within the curtilage of Bedford Villas.
8. The application site is within the North Hill area of the city, close to of the core of the City Centre, with its many amenities and transport links to the wider network. It is within easy walking distance of the University, the Art College, Railway Station, and a multitude of bus services, and other facilities.
9. The development will have access and a frontage to Amity Place and appears to have two existing vehicle points of entry/exit into the application site. The lower (south) vehicle entry/exits would be built over, and as such the vehicle footway crossing would become redundant and would need to be reinstated as footway, with a full kerb face.
10. The kerbs there are a mixture of granite and limestone, and the kerb-line should be replaced using reclaimed limestone or granite kerbs. If alterations were to be made to the vehicular access/egress at the site then the Local Highway Authority would require inter-visibility splays to be included and formed.
11. The development would be built on an existing open area currently used for parking, and the application indicates that the proposal would result in the loss of 6 parking spaces, reducing from the existing 10 parking spaces down to 4.
12. The application indicates that provision would be made for 4 cycle spaces, but the cycle provision indicated on the application ground floor plan drawing is considered poor and unsatisfactory to serve a residential use, where longer term secure and weatherproof storage provision would be needed to encourage cycle as a sustainable means of transport.
13. Given the loss of car parking at the application site then it would be desirable to consider increasing the cycle storage to provide one space per bedroom. Satisfactory cycle storage of an appropriate standard that would be fit for the purpose of serving a residential use should be conditionally secured, and should or residential use, conveniently placed, secure, weather-proof, and preferably well integrated within the building.
14. The application site is located within a resident permit parking zone (PPZ) that operates between the hours of 0900-1900 Monday to Saturday. As such, and in accordance with current policy, officers consider the development would be acceptable with little or no car parking provision. The application plans indicate two off-street parking spaces would be provided within the development courtyard. In accordance with current policy the development would be excluded from obtaining permits and visitor tickets for use within the PPZ.

Living Standards.

15. The proposed bedrooms would all easily exceed the minimum guidance found in the SPD (the smallest being approximately 10.5msq) and would receive adequate light and outlook. A

large kitchen/ diner would be provided long with an adequate number of wash rooms. Limited outdoor amenity space would be provided in the form of hardstanding however the given the accessible location close to parks this is considered acceptable.

16. Impact on the protected copper beech. This proposal keeps excavation works 3m from the boundary wall and more importantly there is now no interference with the canopy spread of the protected Copper Beech (located in the adjacent property) as the footprint of the flats has been reduced in size and there is a single storey block nearest to the tree and not three storey.
17. The trial holes dug revealed no roots beneath the surface of the existing tarmac car park. At the 3m distance if there are any roots deeper than the trial pit level they will be smaller this distance from the tree. If the depth of the foundations need to go deeper than the trial pits then ideally a raft and pile foundation on the northern edge of the block would minimise any possible root damage.
18. There will be very limited works access to the site so protection measures in the form of ground protection to enable access to the site for construction vehicles will need to be put in place to prevent accidental damage to any roots beneath the tarmac or damage to the boundary wall and fencing to keep high vehicles away from the canopy spread. To this end an Arboricultural Method Statement should be provided prior to works commencing on site detailing how the tree will be protected during works.

Contaminated Land.

19. A preliminary risk assessment (Faraj Consulting Ltd. Desktop Study on Bedford Villas, Amity Place, Plymouth, May 2009, Project No. 887) has been submitted with the application. The consultant has identified the following:
 - a. The site as a former depot
 - b. The possibility of an underground wartime shelter on the site
 - c. Confirmed presence of an underground brick built chamber with an integral float.
20. Given the above and that the Councils records indicate the possibility of former underground fuel storage on the site, a condition is recommended to support required further site characterisation and/or intrusive investigation works, plus any other subsequent remedial and in-situ verification works that may subsequently also be necessary.

Other issues.

21. With regard to the letters of representation a satisfactory Design and Access Statement has been submitted with the application.
22. For clarity the planning history indicates that Bedford Villas gained permission to revert back to a single dwelling house in 2007. It may then have been converted into a HMO without the need for planning consent from the Council. Whether or not Bedford Villa is an HMO it is considered that this application is acceptable.
23. A tree survey was submitted with the previous withdrawn application which has been referred to in the assessment of this proposal

9. Human Rights

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.

10. Local Finance Considerations

New Homes Bonus

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 £12,471 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.

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development £6,561.83 (index-linking applied, but subject to change before final liability confirmed).

11. Planning Obligations

No planning obligations are required.

12. Equalities and Diversities

No further issues

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords / with policy and national guidance and is recommended for approval.

13. Recommendation

In respect of the application dated **07/07/2014** and the submitted drawings 1344 - EX 01, SK09/A, 1344 - SK 08/E, 1344 - SK 07/E, 1344 - SK 06/F, 1344 - SK 05/F, 1344 - SK 04/E, 1344 - SK 03/E, 1344 - SK 02/E, 1344 - SK 01/E, Drainage Plan, Faraj Consulting Ltd. Desktop Study on Bedford Villas, May 2009 Project No. 887, Tree Survey, and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1344 - EX 01, SK09/A, 1344 - SK 08/E, 1344 - SK 07/E, 1344 - SK 06/F, 1344 - SK 05/F, 1344 - SK 04/E, 1344 - SK 03/E, 1344 - SK 02/E, 1344 - SK 01/E, Drainage Plan.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: EXTERNAL MATERIALS

(3) 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 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which 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 section 3.

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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

(5) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction and also what construction methods will be used to ensure the impact on the Copper Beech Tree is acceptable. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

MANAGEMENT OF STUDENT ACCOMMODATION

(6) Prior to the occupation of the accommodation hereby approved, a management plan for the operation of the accommodation, which shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION: CYCLE PROVISION

(7) 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 4 bicycles in total 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, and paragraph 32 of the National Planning Policy Framework 2012.

BIN STORAGE

(8) No occupation shall take place until space for bin storage together with bins have been provided in accordance with the approved plans. The bin storage area will be retained for its intended use.

Reason:

To protect the amenity of the area in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy 2007 and the NPPF.

PRE-OCCUPATION: REINSTATEMENT OF FOOTWAY

(9) No dwelling shall be occupied until the existing footway crossing (to become redundant) has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: COMMUNAL CAR PARKING PROVISION

(10) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

OCCUPATION - STUDENTS

(11) 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.

Other Conditions

NO. OF BEDROOMS

(12) There shall be no more than 6 bedrooms in the property, and only the rooms marked as "bedroom" on the proposed floor plans hereby approved shall at any time be used as bedrooms.

Reason:

The application has been submitted and assessed on the basis of the layout shown on the submitted plans; any greater number of bedrooms, and/or any use as a bedroom of a room not identified in the application as such, may give rise to unacceptable accommodation and is therefore prohibited by this condition. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and with the Development Guidelines Supplementary Planning Document 2010.

CODE OF PRACTICE

(13) 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 regards to the hours of working, crushing, piling and noisy operations, control of mud on roads and the control of dust.

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.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(1) 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 with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

(2) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(3) 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: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(4) 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.