

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/00497/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	24.04.2024	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	28 Mount Gould Road Plymouth PL4 7PT		
<b>Proposal</b>	Change of use from 7-bed student-only HMO (Sui Generis) to large open-market HMO (Sui Generis) with increased occupancy.		
<b>Applicant</b>	Mr P Stewart		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>19.06.2024</b>	<b>Committee Date</b>	<b>18.07.2024</b>
<b>Extended Target Date</b>	<b>19.07.2024</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Joanna Churchill		
<b>Recommendation</b>	Grant Conditionally		



This application has been called into planning committee by Councillor Aspinal of Mount Gould ward.

### **1. Description of Site**

28 Mount Gould Road is an extended end terrace in the Sutton and Mount Gould ward of Plymouth built around the end of the nineteenth century. The principal elevation faces North onto Mount Gould Road with a side elevation facing East onto Channel View Terrace. The adjoining property on the South side is 25 Channel View Terrace and behind to the West is a service lane with access to the rear garden and hardstand.

### **2. Proposal Description**

The proposal seeks a change of use from an Sui Generis 7 Bedroom House of Multiple Occupancy (HMO) with Student only restriction to a Sui Generis large HMO open-market with increased occupancy.

### **3. Pre-application Enquiry**

None received.

### **4. Relevant Planning History**

24/00196/EXUS Establish existing use of property as an 8-bed HMO (Sui Generis). Withdrawn 28/03/2024

16/00942/FUL Railings on existing roof terrace (retrospective). Refused 18 August 2016.

03/00847/FUL Change of use of nursing home to house in multiple occupation for 7 students. Granted conditionally 15 August 2003.

94/01395/FUL Retention of utility/laundry room and provision of glazed lobby roof. Granted Wed 11 Jan 1995.

93/00676/FUL EXTENSIONS TO RESIDENTIAL HOME. Granted conditionally 23 September 1993.

89/00064/FUL EXTENSION TO RESIDENTIAL HOME. Granted conditionally 22 February 1989.

87/02650/FUL EXTENSION TO RESIDENTIAL HOME AND PROVISION OF FIRE ESCAPE. Refused 16 November 1987.

86/01565/FUL DEMOLITION OF EXISTING GARAGE AND PROVISION OF NEW HARDSTANDING TOGETHER WITH GROUND FLOOR DINING ROOM EXTENSION. Granted conditionally 17 July 1986.

84/01799/FUL CHANGE OF USE FROM DWELLING HOUSE TO HOME FOR MENTALLY HANDICAPPED ADULTS. Granted conditionally 12 July 1984.

### **5. Consultation Responses**

Community Connections: Suitable for occupation for 8 persons in 8 households – licence held. Details of consideration of accommodation standards for HMOs.

Highways: Objection due to lack of parking and lack of turning provision.

Housing Delivery: Support for application which will bring an empty building back into use and provide much needed accommodation for single people.

Designing Out Crime: Comments received regarding security, crime prevention and anti-social behaviour. Recommend condition for a Management and Maintenance Plan for both the premises and external areas.

Waste (Residential): Objection – insufficient detail submitted regarding waste strategy. Recommendations regarding standards required for residential waste facilities.

### **6. Representations**

Two objections have been received and the relevant planning issues are:

- o potential negative impact on the area's character and community from anti-social behaviour and crime.
- o Insufficient parking
- o Residential waste
- o Quality of accommodation re room sizes potential overcrowding.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, 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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none.

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020) and Nationally Prescribed Space Standard (2015).

## **8. Analysis**

This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material considerations as set out in Section 7. The relevant policies to this application are DEVI Protecting Health and Amenity, DEV9 Meeting local housing need in the plan area, DEV10 Delivering High Quality Housing, DEV20 Place Shaping and the quality of the built environment, DEV29 Specific provisions relating to transport.

### **Principle of Development**

Policy DEV11 of the JLP sets a maximum threshold level of 10% HMOs, including the application site, within a 100 metre radius of the application site. This is to ensure an adequate balance of residential character and community cohesion and avoid impacts such as parking, anti-social behaviour, or noise and disturbance. As the property's lawful use is already that of an HMO, officers do not need to assess the property against DEV11 because the principle of the property's use as an HMO has already been established. As this application relates only to an additional occupancy and the removal of the student restriction, officers therefore consider the scheme is in accordance in principle with DEV11 of the Joint Local Plan for Plymouth and South West Devon (2019).

### Visual Impact

No external alterations to the building are proposed to accommodate the increased occupancy. As such, the property's visual impact would not change, and Officers consider that the scheme accords with DEV20 Place shaping and the quality of the built environment of the Joint Local Plan for Plymouth and South West Devon (2019).

### Occupant Amenity

There are no set floor space requirements for HMOs to ensure occupant amenity, however the Council's License standards can be used as a guide to an acceptable level of accommodation. As detailed above, the principle of the site's HMO use has already been established. Officers have therefore considered the impact of the increase in occupancy. The proposed floor plans demonstrate eight bedrooms (with six ensuite bathrooms), a separate bathroom, a separate shower room, a reception room and a kitchen. The measurements of the bedrooms are as follows:

GF Bedroom 1 (excluding ensuite) 22.6sqm  
GF Bedroom 2 (excluding ensuite) 10.3sqm  
FF Bedroom 3 (excluding ensuite) 18.3sqm  
FF Bedroom 4 (excluding ensuite) 10.3sqm  
FF Bedroom 5 (bathroom adjacent not included) 9.9sqm  
FF Bedroom 6 (excluding ensuite) 8.3sqm  
SF Bedroom 7 (excluding ensuite) 13.7sqm  
SF Bedroom 8 (excluding shower room across landing) 11.5sqm

Each bedroom meets the Nationally Described Minimum Space Requirement (for a single bedroom, a floor area of at least 7.5sqm and at least 2.15m wide) and has at least one window providing natural light. The reception room (lounge/diner including storage cupboard) will be 18.6sqm and the kitchen (excluding cabinets and fittings) 14.1sqm. Officers note that property has recently applied to Plymouth City Council for an HMO licence for 8 bedrooms with a maximum occupancy of 8 persons and a notice of intent to approve was issued on the 13 May 2024.

Whether the occupants are students or from the open-market will have no impact on occupier amenity.

The occupants will have private outdoor garden space to the rear and a first-floor terrace.

The property is considered to provide an adequate level of amenity for 8 occupants, which will be limited by condition, in accordance with DEV10 Delivering High Quality Housing of the Joint Local Plan for Plymouth and South West Devon (2019).

### Neighbourhood Amenity

Officers do not consider that the addition of an extra room or change of occupancy from student to open market within the property would significantly alter existing amenity arrangements between the site and neighbouring properties. No external alterations to the building are proposed to accommodate the new room, meaning that existing light, massing, and privacy arrangements would remain.

Concerns over anti-social behaviour can be addressed by the conditional requirement for a robust management plan. As a result, the proposal is considered to accord with DEV1 Protecting health and amenity of the Joint Local Plan for Plymouth and South West Devon (2019).

### Residential Waste

Insufficient information has been provided on how waste from the occupants will be stored internally and externally. Given the property has outdoor space to the front, rear and side which could

provide potential storage for waste receptacles, this can be dealt with by way of condition, for the requirement of a robust waste management plan including specific provisions for storage, segregation, and collection of waste, to ensure an environmentally responsible approach that benefits the occupants and neighbours. This approach will ensure that the proposal meets the requirements for DEV10 Delivering high quality housing as per the Joint Local Plan for Plymouth and South West Devon (2019).

### Highways

A parking strategy has been submitted as part of the application, which includes a hard stand for two vehicles parked side-by-side and a secure covered bicycle store which can hold 3 to 4 bicycles.

Officers consider that the location of the site is a sustainable location by meeting the requirements of table 3.2 Measures of Sustainable Neighbourhoods and Communities in the SPD including:

- \* bus stops within 100m (23 and 24, hourly in each direction)
- \* nearest convenience store 100m (450m from Salisbury Road laundrette, Co-Op,
- \* Less than 200m from Freedom Fields Park

The Supplementary Planning Document (SPD) advises that an 8 bedroom HMO should have 4 private parking spaces.

The Highways authority have recommended refusal on two grounds:

- o concerns that there is no on-site turning provision to allow a vehicle to turn so that it can enter and exit the public highway in a forward gear in the vicinity of Mount Gould Road which is a classified C road and therefore causes a hazard to pedestrians and road users
- o insufficient on street parking in the area, leading to anti-social parking and blocking of the service lane to the rear.

### Parking

Officers considered the issue of lack of parking in the vicinity. The property already benefits from its existing arrangement of two parking spaces and secure cycle storage of 3 to 4 spaces. Therefore, officers must consider whether this is sufficient for the change of use from student to open-market and an increase in occupancy of the dwelling house by one bedroom.

The 2021 census reveals that 49 per cent of households around this property do not have a car or van, which decreases to 23.1 per cent on Channel View Terrace and 28.6% for Lipson (including St Judes) as a whole. Officers note that car ownership in the area has risen in the last census and that there is additional demand from Mount Gould Hospital approximately half a mile distant.

Given the overall make-up of the area, officers do not consider that such a reason would be sufficient to warrant a refusal of planning permission as the proposal is a 'sustainable location' with journeys possible by foot and public transport to shops, the city centre and green spaces.

As the property has been empty in recent years, use of the parking area could potentially deter others from parking in front of the rear gates and blocking the service lane as evidenced by the Highways Officer.

### Safety for Highways Users

With regard to the potential hazard of the parking area to pedestrians and other highway users, officers note that this area already exists and no physical change is proposed. The question is by how much the number of journeys would increase between a student HMO and an open-market HMO. Historically students have less car ownership than open-market renters. The increase in use by 800% provided by Highways is based on assumption (from no journeys as vacant and 4 car journeys in and 4 out) but no data exists.

Officers note Highways concern regarding the potential hazard of the parking area. However, the parking area does not directly exit onto Mount Gould Road (classified C road) but a service lane and then unclassified Lipson Avenue, which removes the SPD requirement for the ability to enter and exit in a forward gear.

On balance officers consider that whilst the property is not compliant with guidance in the SPD regarding the parking requirements for an 8 bedroom open market HMO, the sustainable location will help to reduce vehicle movements and the need for a vehicle. In addition the access to the parking area is not directly via a classified road, removing the need for tuning. The parking area already exists and is therefore not subject to approval in this application. The parking is also an existing known potential hazard to a local highway user. Officers agree that the change of use proposed will potentially increase demand for parking in the area, but that consider this will only be a minor impact (potentially 2 cars) and will not necessarily lead to 'excessive' demand for on street parking or illegal parking.

Officers note that paragraph 109 of the NPPG which says, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

On balance, officers consider the proposal to be less 'than a severe impact on the road network' and an acceptable 'impact on highway safety', if the off road parking area was conditioned to two spaces so as not to increase the existing risk. Therefore the proposal meets the intent of DEV29 Matters relating to Highways and DEVI0 Delivering High Quality Housing.

#### Demand for Local Housing

With the increase of purpose built student housing in the vicinity of the university (approx. 1 mile away), demand for student housing has decreased in this area resulting in the building being empty. The Housing Delivery team note that there is a 'severe shortage' of housing for single people and bringing the building back into use would help to address this need. Therefore this proposal supports policy DEV9 Meeting local housing need in the plan area in the Joint Local Plan for Plymouth and South West Devon (2019).

#### Climate Emergency

No physical changes are proposed the building or outside space and therefore there is no opportunity for new infrastructure such as EV charging or PV. No soil or green space will be lost. Given the limited scale of this proposal it is disproportionate to seek any further measures.

#### Biodiversity Net Gain

This proposal is considered exempt from the Biodiversity Net Gain Regulations of 2024 being 'de minimis' as the change of use will impact less than the threshold of 25 square meters of priority habitat or 5 linear meters of hedgerow.

### **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**

None required.

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not sought due to the nature and size of proposal.

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

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

## **14. Recommendation**

In respect of the application dated 24.04.2024 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1      CONDITION: APPROVED PLANS**

Ground Floor Layout - Floor Plans 775-2 Rev B received 06/06/24  
Location Plan 23042024 received 23/04/24  
First Floor Layout - Floor Plans 775-3 received 23/04/24  
Second Floor Layout - Floor Plans 775-4 received 23/04/24  
Site Plan 775-5 received 23/04/24

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

### **2      CONDITION: COMMENCE WITHIN 3 YEARS**

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.



### **3      CONDITION: WASTE MANAGEMENT STRATEGY**

#### PRE-OCCUPATION

The change of use hereby approved shall not be occupied until a Waste Management Strategy has been submitted to and agreed in writing by the LPA. Once approved the strategy shall be fully implemented and operated on site.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **4      CONDITION: MANAGEMENT AND MAINTENANCE PLAN**

#### COMPLIANCE

Each new occupant of the HMO hereby approved shall be provided with a welcome pack setting out 'house rules' which include how to limit disturbances to neighbouring properties, providing details of public transport and cycle routes, setting out how and where refuse and recycling bins should be stored and their location for collection and the ramifications if tenants break these rules.

Full contact details in the event of any issues arising must also be readily accessible to tenants.

To reduce opportunity for anonymity each tenant should go through a management vetting process and details recorded.

Neighbouring properties in the vicinity of 28 Mount Gould Road should be informed of a point of contact in the event of any issues arising from the use hereby granted.

Reason:

In the interests of the amenity of occupants and the amenity of the surrounding area in accordance with policies DEV1, DEV2 and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **5      CONDITION: CAR PARKING PROVISION**

#### COMPLIANCE

The building shall not be occupied until space has been laid out within the site in accordance with the approved plan (775-2 REV B) for 2 cars to be parked. These spaces shall be permanently retained as such.

Reason:

To enable vehicles used by occupiers to the development to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and para 110, 111, 112 and 116 of the NPPF 2019.

## **6 CONDITION: MAXIMUM USE OF EIGHT BEDROOMS**

### COMPLIANCE

The change of use to an open-market HMO with increased occupancy hereby granted shall limit the maximum number of bedrooms to eight as detailed in the approved drawings. Only the rooms labelled "bedroom" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

To provide sufficient space and size of accommodation for the occupants as per policy DEV10 Providing High Quality Housing.

## **7 CONDITION: BICYCLE STORE**

### COMPLIANCE

The building shall not be occupied without the cycle storage area shown on the approved plan 775-2 REV B which will be permanently retained for its intended purpose and shall not be used for any other purpose without the written 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 DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019)

## **INFORMATIVES**

### **1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2 INFORMATIVE: BIODIVERSITY NET GAIN**

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is considered exempt for the Biodiversity Net Gain requirements 2024 for the reason of 'de minimis'; and therefore this application is not subject to the mandatory Biodiversity Gain condition.

### **3 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **4 INFORMATIVE: WASTE MANAGEMENT**

The applicant's attention is drawn to the comments made regarding the preparation of a waste management strategy by Residential Waste.

## **5 INFORMATIVE: DESIGNING OUT CRIME**

The applicant's attention is drawn to the comments made regarding advice to reduce the risk of crime and anti-social behaviour by the Designing Out Crime Officer.

## **6 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

- o Planning Statement
- o Parking Strategy