

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/00988/FUL	Item	01
Date Valid	06.08.2024	Ward	DRAKE
Site Address	31 North Road East Plymouth PL4 6AY		
Proposal	Change of use from dental surgery to 3no. flats (Class C3) inc. first floor rear extension and rear bike store		
Applicant	Mr Jaswinder Dhariwal		
Application Type	Full Application		
Target Date	01.10.2024	Committee Date	24.10.2024
Extended Target Date	01.11.2024		
Decision Category	Councillor Referral		
Case Officer	Mr Sam Lewis		
Recommendation	Grant Conditionally		



The application has been referred to the Planning Committee by Cllr. Steve Ricketts.

1. Description of Site

31 North Road East is a two-storey Grade II terraced property with rooms in the roofspace which was last used as a dental surgery. The site falls within the Drake ward of the city.

2. Proposal Description

The proposal involves the conversion of the property into 3no. flats - with a 1-bed flat proposed on the ground floor, a 1-bed flat proposed on the first floor, and a 1-flat straddling the first floor and the roofspace. To facilitate this, a first-floor rear extension is proposed - extending the first floor of the property's rear tenement so that it matches the length of the ground floor element. A rear bike store is also proposed, replacing an existing rear store. Consent was previously granted to convert the property to 2no. flats, with the same extension and store also included then.

The scheme originally proposed 2no. 1-bed flats and 1no. 2-bed flat, but the scheme was altered following concerns relating to the Nationally Described Space Standards regarding the flat which would have been solely contained within the roofspace.

This scheme does not deal with the impact of the proposal on the listed building so issues relating to such do not fall to be considered here. As such, the Historic Environment Officer was not consulted on this application. Please see the relevant Informative below for further information.

3. Pre-application Enquiry

None.

4. Relevant Planning History

80/00051/FUL - Continuation of existing use for dentists surgeries without restriction as to named occupier (Granted Conditionally).

23/01256/FUL - Change of use from dental surgery to 7-bed HMO (Sui Generis) inc. rear bike store (Withdrawn).

23/01539/LBC - First floor rear extension, rear bike store, additional door and layout alterations to facilitate conversion to 2no. flats (Granted Conditionally).

23/01567/FUL - Change of use from dental surgery to 2no. flats (Class C3) inc. first floor rear extension and rear bike store (Granted Conditionally).

24/00901/LBC - First floor rear extension, rear bike store, additional door and layout alterations to facilitate conversion to 3no. flats (Granted Conditionally).

5. Consultation Responses

Highway Authority - No objections.

Public Protection Service - No objections.

Community Connections - No response received,

Environment Agency - No response received.

Natural England - Provided some advice on the Habitats Regulations Assessment procedure.

Lead Local Flood Authority - Raised no in-principle objections but considered that proposed surface water drainage information should be provided.

6. Representations

None received.

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 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128 percent and the consequences are None.

Therefore, a 5 percent buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5 percent buffer, the combined authorities can demonstrate a 5-year land supply of 5.39 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 19th December 2023).

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:

- o Plymouth and South West Devon Joint Local Plan 2014-2034: Supplementary Planning Document (SPD) (July 2020);
- o Technical Housing Standards: Nationally Described Space Standards (March 2015);
- o Review of City, District and Local Centres in Plymouth for the Joint Local Plan (March 2017).

8. Analysis

8.1 This application has been considered in the context of the development plan, the Framework, and other material policy documents as set out in Section 7.

8.2 Principle of Development

8.2.1 Prior to considering the specifics of the scheme, Officers must first consider the principle of the change of use proposed. Adjacent to the University, North Road East is largely residential in nature - although there are a handful of commercial properties such as this one. The area is not designated as a local centre in the aforementioned review of such. As such, Officers do not have an in-principle objection to the loss of the commercial unit as the residential use proposed would be in-keeping with the rest of the street which is largely made up of dwellings, student flats, and HMOs. It is noted that the property was previously run as a dental surgery, although operations at the site have ceased, and it has been recognised locally that there is a shortfall of dental provision.

80/00051/FUL included a condition ensuring that the property must only be used as dental surgery and not any other use within the same use class (which is now Class E). As such, planning permission would be needed to use the property for another commercial venture.

8.2.2 Despite this, though, Officers are not significantly concerned with the loss of the dental surgery. With the last round of changes made to planning use classes, dental surgeries were included within Class E which means that most high street-type units could operate as such without needing planning permission. As there are a number of vacant units on North Hill and Mutley Plain close by, a prospective dentist could likely open a new surgery fairly easily. The applicant also previously stated that they transferred the services previously offered at this location to a larger existing surgery elsewhere in the city. It is also noted that consent has already been granted to use the property as 2no. flats - and this scheme could be implemented. It is therefore considered that, in practice, the

dental use previously in place has already been lost. As such, Officers do not have an in-principle objection to the change of use proposed and consider that the scheme does not conflict with DEV18 of the JLP as there are plenty of other nearby properties which could be used for the outgoing use.

8.3 Visual Impact

8.3.1 As the physical changes proposed would all take place to the rear of the property, Officers consider that the visual impact of the proposal would not be significant. Whilst their impact on the character of the listed building will be considered separately, from a typical streetscape perspective the works are not considered to be significant. The streetscene of North Road East would not be impacted by the rear extension and the rear of the property backs onto a service lane - and sits at the very end of such. As such, with the exception of a handful of neighbouring windows, the extension would not be significantly visible. Whilst none of the street's rear tenements have been extended to the rear at first floor level in the manner proposed here, there are a number of tenement extensions and designs present - including a larger side tenement extension next door. There are also large rear bay windows present which are not dissimilar in scale to the proposal.

8.3.2 Officers also consider that the removal of the rear store, which is in a poor state of repair, is acceptable. This is to be replaced with a bike store and an area for storing bins. Due to the site's boundary walls, this change would not be significantly visible from outside the site. Taking this into account, Officers consider that the scheme would be acceptable from a visual impact perspective in line with DEV20 of the JLP.

8.4 Amenity Impact

8.4.1 This section of the report will consider the impact of the proposal on the surrounding residents as well as the enjoyment of it by its future occupiers.

8.4.2 Officers do not consider that the scheme would have a significant impact on neighbouring amenity. The tenement extension would extend the rear tenement past an adjacent neighbouring window, but not to an extent significant enough to have a harmful impact. The window in question is part of a large extension, too, and is not the sole window within the rear elevation. Regardless of this, though, both outlook and light from the affected window would still be reasonable. Officers are not of the view that the scheme would lead to any other neighbouring amenity impacts, either, such as massing or noise - with the residential use proposed unlikely to lead to any out-of-character activities taking place in the area.

8.4.3 Regarding future occupant amenity, and following the changes made to the scheme, Officers consider that the 3no. flats proposed would provide a good level of accommodation for future occupiers. All three would exceed the Space Standards relating to the number of bedrooms proposed, and the bedrooms would all be of a good size. All of the main habitable rooms would be served by natural light, too. It is unusual for a flat to have its bedroom on one floor and the rest of the rooms on another, as would be the case with the flat which would largely occupy the roofspace, but Officers do not consider this to be a reason for refusal. The occupier of this flat would not be able to access the rear yard without needing to walk around via the service lane, though. Whilst this is not ideal, it is noted that it is likely, despite what is stated on the plans, that the property's bins would be kept in the front yard - as this is typical in the street. As such, the occupant of the flat would still be able to put their bins out. The occupier would need to walk around to access the bike store, though, but this is not considered a significant enough inconvenience to warrant a refusal.

8.4.4 The rear yard would not provide a good level of outdoor amenity space, but the provision would be typical of the area and wider city centre living. Given the site's sustainable location, though, it would be walkable from a number of public amenity spaces - so Officers do not consider that the lack of significant amenity space is a concern. The yard would contain bin and bike storage - although,

as already stated, Officers consider that it is more likely that bins would be stored at the front of the property as this seems to be the typical arrangement locally.

8.4.5 Officers are, therefore, of the view that the scheme would be acceptable from a neighbouring amenity perspective in line with DEV1 and DEV2 of the JLP and from an occupiers' perspective in line with DEV10 of the JLP.

8.5 Highway Impact

8.5.1 The Highway Authority were consulted on the scheme and raised no objections to the proposal. The property is considered to be in a sustainable location, walkable from the city centre, railway station, and other public transport links. The area is also covered by a Controlled Parking Zone which is in operation between 10am and 5pm daily (except on Sundays) and the flats would not be eligible for parking permits. As such, the Highway Authority are of the view that the scheme could be considered car-free. An existing hardstand (with a dropped kerb) is present at the site and would allow for some off-street parking. Whilst this hardstand would not likely be approved today due to North Road East being a classified road, it has been in situ for many years at this point so could provide some established off-street parking. As mentioned above, too, it is likely that the property's bins would be kept here - which appears to be where the business' bins were previously kept in recent times. Bike storage is proposed for the rear yard, too, and this has been conditioned below.

8.5.2 As such, Officers consider that the scheme is acceptable from a highways perspective in line with DEV29 of the JLP.

8.6 Climate Emergency Considerations

8.6.1 As the building is listed, Officers consider that it would be difficult to implement any meaningful low carbon mitigation measures in line with DEV32 of the JLP and CEPS. Officers note that re-use of the building is positive.

8.7 Other Impacts

8.7.1 As the site falls within a Critical Drainage Area the Lead Local Flood Authority were consulted on the scheme, but they raised no in-principle concerns in line with DEV35 of the JLP. They did consider that surface water drainage information should be provided, but this was not requested previously - and the scale of actual development is the same here. As such, Officers do not consider that such needs to be provided this time either as there would be no real change to the hard surfaces around the site compared to the previous scheme which could be implemented.

8.7.2 Additionally, the proposal underwent a Habitats Regulations Assessment (HRA) to ascertain whether there is an impact on the Tamar Estuary Marine Site. The scheme does trigger a sum of money to be paid through the HRA which would be collected through the CIL process.

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

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).

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 required due to the size of the 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 the proposal is acceptable and accords with policies DEV1, DEV2, DEV10, DEV18, DEV20, DEV29, and DEV35 of the Plymouth & South West Devon Joint Local Plan, national guidance and specifically paragraph 11 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. As a result, the application is recommended for conditional approval for the reasons discussed throughout this report.

14. Recommendation

In respect of the application dated 06.08.2024 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

Section 06082024 received 06/08/24
Location Plan 02082024 received 02/08/24
Block Plan 02082024 received 02/08/24
Existing Plans and Elevations DWG 1 of 2 received 02/08/24
Proposed Plans and Elevations DWG 2 of 2 received 18/09/24

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: CYCLE STORAGE**

PRE-OCCUPATION

The flats hereby approved shall not be occupied until the bike store shown on the approved plans have been laid out for at least 3no. bicycles to be securely parked. The secure area for bicycles shall remain available 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).

4 **CONDITION: BIN STORAGE**

PRE-OCCUPATION

The flats hereby approved shall not be occupied until the bin storage area shown on the approved plans has been made available for use. This area shall remain available for its intended purpose and shall not be used for any other purpose without the written consent of the Local Planning Authority. Bins shall be stored in this area, or within the front yard, at all times except for collection day.

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.

INFORMATIVES

I **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

2 **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.

3 **INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

4 **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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.

5 **INFORMATIVE: LISTED BUILDING CONSENT REQUIRED**

The applicant should note that listed building consent for the amended layout here approved would need to be obtained before this scheme is commenced. Listed building consent was previously granted for the originally proposed layout, but that approval does not cover the layout as amended. As such, a fresh application for listed building consent will be required so that the layout alterations to the listed building can be considered in the context of the relevant legislation.