

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/01099/FUL	Item	02
Date Valid	06.09.2024	Ward	DRAKE
Site Address	24 Queen Anne Terrace North Hill Plymouth PL4 8EG		
Proposal	Change of use of ground floor office (Class E) to 2no. self-contained flats (Class C3) and associated external alterations		
Applicant	Mr Geoff Easson		
Application Type	Full Application		
Target Date	01.11.2024	Committee Date	12.12.2024
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Miss Emily Godwin		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Cllr Ricketts.

1. Description of Site

24 Queen Anne Terrace is an end of terrace three-storey property with rooms in the loft space. This application relates specifically to the ground floor of the property, which is currently a vacant office space. The site is located in the Drake ward of the city.

2. Proposal Description

The proposal is for the change of use of ground floor office (Class E) to 2no. self-contained flats (Class C3) and associated external alterations.

External alterations are proposed within the rear courtyard area, comprising of the installation of a timber fence to separate the parking area from external amenity space. A gate opening is also proposed within the side elevation boundary wall to provide access to the proposed "Flat B".

Window and door alterations are also proposed, comprising of the replacement of a window on the north elevation with a door to access the rear yard, and the blocking up of the rear door on the east elevation.

Bin and cycle storage is proposed within the rear courtyard area.

3. Pre-application Enquiry

There was no pre-application enquiry

4. Relevant Planning History

04/00448/FUL - Change of use from offices to student accommodation (Granted Conditionally)

07/01759/FUL - Change of use, conversion and alteration of offices to form office at ground floor with 4 self-contained flats above and parking area to rear (Granted Conditionally)

5. Consultation Responses

Public Protection Service - No objection subject to conditions.

Natural Infrastructure - No objections.

Environment Agency - No comments on the application, advise that standing advise is followed.

Natural England - Advise that a HRA assessment should be undertaken to determine the impacts on designated sites.

Residential Waste - Advise suitable bin storage should be provided within the property boundary

Lead Local Flood Authority - No objection.

Economic Development - Consider the scheme meets the tests of DEVI4.

Highway Authority - No objections, subject to conditions.

Designing out Crime Officer - Recommendations in terms of measures for designing out crime, specific recommendations in regard to the access to Flat B, bin and cycle storage. Following amendments, support the proposed access for flat b and secure bike and bin storage.

6. Representations

One letter of representation and one councillor referral to planning committee has been received.

The following concerns have been raised:

- North Hill needs mixed use properties which include office space to support the wider economy
- The application should be refused as it is within an Article 4 Zone.

The site is located within the Article 4 Direction Area, this removes the permitted development rights for a change of use from a dwellinghouse (Class C3) to a small HMO (Class C4). This planning application is for a change of use from Class E to Class C3 and so the restrictions of the Article 4 Direction are not relevant to this proposal.

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(5B) of the 2004 Planning and Compensation Act sets out that the

determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly 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:

- The Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

8. Analysis

8.1 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.

Principle of Development

8.2 The current use of the ground floor of the property is Class E (Office) and is afforded some protection as an existing employment site under Policy DEV14 of the JLP. Redevelopment of the ground floor for residential use would therefore result in a loss of employment space. However, Local Plan policies including DEV7 and DEV9 and section 5 of the NPPF provide strong policy support for the delivery of new housing in sustainable locations, including giving 'great weight' to the benefits of using suitable sites (windfall sites) within existing settlements for homes (NPPF Para 70(d)). The principle of development therefore must consider the loss of employment space against the delivery of new homes.

Loss of Office

DEV14 of the JLP provides some policy protection for existing employment sites, including vacant sites whose lawful use is for employment purposes, and requires proposals for change of use to meet certain requirements. In respect of this site, DEV14(1)(iii) requires that there is no reasonable prospect of the site being used for employment use in the future. The SPD Para's 5.11-5.13 sets out that the applicant must provide a marketing report proportionate to the nature of the proposal. The applicant has submitted evidence that the site has been marketed for 12 months with minimal

response except one offer at a significantly reduced rate than the asking price. The evidence has been considered by the Council's Economic Development (ED) Team and they consider that overall there is enough evidence to suggest the site has been marketed for employment use, and consider that the requirements of DEVI4 and the SPD have been satisfied to justify the loss of employment space.

Delivery of Housing

Policy SPT3 of the JLP and Para 70 of the NPPF identify the important role that windfall sites such as this will play in the delivery of new homes that the City needs. Policy DEV7 provides additional support for a wide choice of quality homes including smaller dwellings most suited to younger and older people (DEV7(1)(i)). This proposal will deliver two self-contained residential flats in a highly sustainable location close to a range of shops, services and public transport and close proximity to the University of Plymouth and Arts University Plymouth. The area is already characterised by a mix of uses including extensive residential development.

8.5 In considering the principle of development, the loss of employment space has been satisfied in accordance with DEVI4 and the site is considered suitable for new homes supported by SPT3 and DEV7. Therefore, the scheme is found to be acceptable in the principle.

Design

8.6 Officers have assessed the visual impact of the proposed external alterations in accordance with policy DEV20 and consider them to be acceptable.

8.7 Officers consider that the installation of a fence and gate would be characteristic of residential properties in the local area with examples of fencing along the service lane at present. Officers consider that window and door alterations would not result in visual harm to the property or the wider streetscene. To this end, the scheme accords with DEV20 of the JLP.

Occupant Amenity

8.9 Officers have assessed the proposed floor plans and note that all bedrooms and habitable rooms will be served by windows, and as such would have sufficient access to natural light and outlook.

8.10 The Nationally Described Space Standards (NDSS) outlines the minimum internal floor areas for new dwellings and conversion. Initial concerns were raised that Flat A would fall below the minimum internal floor space requirements. Originally, Flat A was proposed to contain two double bedrooms. The minimum gross internal floor area for a 2-bed 4-person flat is 70 square metres. As Flat A was proposed to measure approximately 66 square metres, officers raised concerns that the flat was undersized and would result in the creation of sub-standard accommodation.

8.11 Amended plans were received which reduced the size of one of the bedrooms to a single room. The NDSS sets out that for a 2-bed 3-person flat, the minimum floorspace requirement is 61 square metres, which is met and exceeded by the proposed development.

8.12 Flat B is arranged with a shared living/bedroom and separate kitchen, shower room and utility room. The internal floor space of Flat B is approximately 43 square metres. Officers note that the living/bedroom space measures 21 square metres, which would indicate a double bedroom in terms of the NDSS. However, given this would also serve as the flat's living space, the arrangement is considered to be similar to that of a studio flat, and so officers have not requested that a single bedroom is demonstrated within the proposed plans. Furthermore, officers consider that internal alterations to provide a single bedroom would be difficult due to the location of windows and built in storage, and as such consider that this layout is the most appropriate in terms of occupant amenity. The minimum space standards for a 1-bed, 1-person flat with a shower room is 37 square metres which is met by the proposal. Officers note the proposed utility room and consider that this would

be inappropriate for use as a bedroom., Officers have recommended a condition to restrict the bedrooms to be those only as shown on the approved plans.

8.13 It was initially proposed that the access to flat B would be via the rear service lane. Comments from the Designing out Crime Officer raised concerns that service lanes are generally narrow, poorly lit and experience a reduced level of natural and passive surveillance. Amended plans were received which proposed the installation of a gate in the side boundary wall facing onto Marlborough Road. Officers consider this to be acceptable in providing access to Flat B due to increase levels of activity and natural surveillance, thereby reducing fear of crime.

Outdoor Amenity Space

8.14 The minimum recommended standard of outdoor amenity space is outlined in table 11 of the SPD. Here, it is recommended that flats should be served by 50 square metres per development, usually in the form of communal space. The development is proposed to be served by a courtyard area, however upon assessment of the plans it appears the courtyard would only be accessible from Flat B. As such, the proposal falls below the required levels of outdoor amenity space. Nonetheless, officers consider that properties within the surrounding area are characterised by small garden spaces, with many properties been converted into flats with limited outdoor amenity space.

8.15 The absence of amenity space is considered to be sufficiently mitigated by the site's close proximity to Drake's Place which is a one minute walk away, and Beaumont Park which is a ten minute walk from the application site.

8.16 Overall, officers consider the development would provide a good quality living environment for future occupants, in line with DEV10 of the JLP.

Neighbouring Amenity

8.17 The site and surrounding area are characterised by residential properties, as such officers raise no concerns at this stage that the proposed use of the property would lead to unacceptable level of noise or disturbance and as such would not lead to amenity issues.

8.18 Officers do not consider that the proposed fence would result in a loss of daylight or outlook to neighbouring properties by virtue of its distance from neighbouring habitable room windows.

8.19 The Council's Public Protection Service have been consulted on the application and raise no concerns. They recommend a condition restricting the hours of construction and demolition. Due to the scale and nature of the application, officers have included an informative outlining the Council's Code of Practice.

8.20 Overall, the scheme is considered to comply with DEV1 and DEV2 of the JLP.

Highways Considerations

8.21 The Local Highway Authority (LHA) were consulted on the application and raise no in-principle objections to the proposal.

8.22 The LHA consider that the parking demand associated with the development is three parking spaces. Comments from the LHA have highlighted that the parking to the rear has been allocated to the upper floor flats when it was converted to residential use as part of application 07/01759/FUL, in which the LHA considered a maximum of 2 parking spaces were practical.

8.33 The design and access statement highlights that as part of the proposal, one parking space at the rear would be retained and subsequently be allocated to the rear ground floor flat. This reduction in parking provides space for the proposed fence, as well as the proposed bin and bike storage.

8.34 Officers have assessed the proposed parking space and consider it to be acceptable. The LHA note that primary access from a rear service lane raises concerns due to pedestrian safety and the cobbled surface. In this case, 24 Queen Anne Terrace is approximately 2m from the footway on Addison Road, therefore this would not be grounds for refusal in this instance.

8.35 Initial comments from the LHA raised questions as to the loss of parking, considering that this would ordinarily be resisted. Officers therefore requested the re-arrangement of the proposed bin storage, bike storage and fence to retain a further parking space. Amendments to this end were unable to be secured. Correspondence from the agent outlined that the lost parking spaces were significantly constrained due to the pinch point between the building and boundary wall, evidence was also submitted of photos from the rear service lane, demonstrating that these parking spaces were not regularly used.

8.36 Upon consideration, officers in consultation with the LHA do not consider that the proposal would result in a harmful impact on the highway, despite the loss of parking. The LHA note the pinch point within the rear yard measures 2.1m in width, which is not adequate to accommodate off-street parking, nor the additional width as required in the SPD where parking adjacent to a wall and serves as a primary pedestrian access.

8.37 On balance, the LHA find that the application would not give rise to a loss of parking on the basis of the inadequate width of the existing parking arrangement. It is considered that the addition of cycle and bin storage in this location is more beneficial to support the proposed residential use.

8.38 The application site falls within Controlled Parking Zone D; operational Monday to Saturday 9am to 7pm. The applicant is advised that the two self-contained flats would be excluded from being eligible for resident and visitor parking permits and an informative has been added which details this further. On this basis, it is considered that due to the highly sustainable location and presence of a local controlled parking zone, this application would be considered car free.

8.39 Cycle parking is offered within the application site. The LHA requested ten cycle spaces were provided, for use of all the flats within the property in line with SPD guidance. Amended plans have been received which include space for ten cycles. The Designing Out Crime Officer has raised concerns as to the security of the bike store, given that this area of the rear yard is not fully enclosed. SPD guidance sets out that cycle storage should be well-lit, fully covered and conveniently located. Details in the submitted Design and Access Statement outline that a Vertical Bike Hanger Shelter will be used, which the LHA find to be acceptable

8.40 Given the highly sustainable location and exclusion from local parking zone and the existing parking demand, the LHA consider the lack of parking would not be grounds for refusal in this instance. On this basis, the application is considered to be acceptable and in line with DEV29 of the JLP.

Refuse

8.41 Initial plans received outlined that no bin storage was proposed to be supplied to the flats because the flats occupying the upper floors of the property make use of communal bins along the rear service lane.

8.42 The residential waste team requested that on-site bin storage was provided, with further verbal comments highlighting that wider initiatives within the waste team intended to reduce reliance on communal bins. Similar concerns were also raised by the Designing Out Crime Officer. A designated bin store is now proposed within the rear yard of the application site. Officers consider this to be of sufficient size that an appropriate number of bins for the occupants of the property can be safely

stored. A condition has been added to ensure that bins are stored in the designated bin store area at all times except for collection days. Overall, officers find this acceptable and in accordance with DEV31 of the JLP.

Natural Infrastructure

8.43 The application is exempt from mandatory Biodiversity Net Gain under the 'de minimis' exemption as it is a proposed change of use with minimal alterations that would impact on habitat. The Council's Natural Infrastructure Team have been consulted and have raised no concerns with the scheme.

HRA

8.44 The authority has concluded that the adverse effects from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Drainage

8.45 The Lead Local Flood Authority (LLFA) have provided comments on the application. The site is located in Flood Zone 1 and so is considered to be at low risk from fluvial and tidal flooding. The site is located in a critical drainage area where the environment agency considers the existing drainage system to be at or close to capacity.

8.46 The LLFA have reviewed the submitted information and raise no objection to this application.

Climate Emergency

8.47 The details as submitted in the climate emergency form and sustainability statement have been reviewed by officers. The minor nature of the application is acknowledged. The proposal would re-use an existing building which is far superior to the replacing of the current building in terms of carbon emissions. In addition, the scheme proposes no changes to the existing heating system of the remaining building therefore minimising the possibility of energy storage or adaptation to enable the use of low and zero carbon heating systems in the proposal.

8.48 Amended plans were received which include the provision of wiring for the installation of an EV charger which is welcomed by the LPA.

8.49 The scheme is considered to be in accordance with DEV32 of the JLP and the CEPS (2022)

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

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 the proposal accords with policies SPT3, DEV1, DEV2, DEV7, DEV10, DEV14, DEV20, DEV29, DEV31, DEV32 and DEV35 of the Plymouth & South West Devon Joint Local Plan and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 06.09.2024 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**

Location Plan 2412_P01 received 22/08/24

Block Plans 2412_P02 received 22/08/24

Proposed Ground Floor Plan 2412_P05 Rev B received 29/11/24

Proposed Elevations 2412_P06 Rev A received 18/11/24

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 PROVISION**

PRE-OCCUPATION

The 2no. flats hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 10no. bicycles to be securely parked. The cycle storage area shall be secure and covered and 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 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. The bin storage area 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. Bins shall be stored in this area 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.

5 CONDITION: BEDROOMS

Only the rooms currently indicated as bedrooms on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policies DEV1 and DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

INFORMATIVES

I INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

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: COUNCIL CODE OF PRACTICE

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>