

# PLANNING APPLICATION OFFICERS REPORT

<b>Application Number</b>	25/00749/GPD	<b>Item</b>	02
<b>Date Valid</b>	23.05.2025	<b>Ward</b>	DRAKE
<b>Site Address</b>	41 Houndiscombe Road Plymouth PL4 6EX		
<b>Proposal</b>	Change of use from office (Class E) to 3no. flats (Class C3)		
<b>Applicant</b>	Kallis		
<b>Application Type</b>	GPD All others		
<b>Target Date</b>	18.07.2025	<b>Committee Date</b>	26.06.2025
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Sam Lewis		
<b>Recommendation</b>	Prior Approval Required & Given		



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

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

41 Houndiscombe Road is a terraced office building which was last used by a firm of accountants who have since relocated. The site falls within the Drake ward of the city.

### **2. Proposal Description**

Change of use from office (Class E) to 3no. flats (Class C3) via Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

None.

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

None.

#### **5. Consultation Responses**

Highway Authority - No objections.

Public Protection Service - No objections.

Lead Local Flood Authority - Response pending.

#### **6. Representations**

4no. letters of representation have been received by Officers: 1no. of which expresses support for the scheme and 3no. of which express objections. The concerns raised include:

- Loss of office space.

As this application is being considered under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the loss of office space is considered acceptable in principle. As such, this concern does not fall to be considered here.

#### **7. Relevant Policy Framework**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### **8. Analysis**

This is a notification for prior approval for a change of use from of a building from commercial use (Class E) to a dwellinghouse (Class C3) under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The development meets the requirements of Paragraph MA.1 for the following reasons:

- (b) The old use class of the property would have been A2;
- (d) The site is not a SSSI, listed, a scheduled monument, within a safety hazard area, or within a military explosives storage area;
- (e) The site is not within an AONB, the Broads, a National Park, or a World Heritage Site;
- (f) The site is not within an agricultural tenancy;
- (g) There are no Article 4 Directions relating to Class O of Part 3 of Schedule 2 relevant to the site.

This application is considered to accord with the above points. For clarity points (a) and (c) of the above list no longer exist.

Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) Transport impacts of the development, particularly to ensure safe site access;
- (b) Contamination risks in relation to the building;
- (c) Flooding risks in relation to the building;
- (d) Impacts of noise from commercial premises on the intended occupiers of the development;
- (e) The impact of that change of use on the character and sustainability of a conservation area;
- (f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;

- (g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h) Where the development involves the loss of services provided by a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
- (i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The provisions of paragraph W (prior approval) also apply in relation to the application.

In respect of the relevant considerations the following assessments have been made:

- (a) Transport impacts of the development, particularly to ensure safe site access - The Highway Authority acknowledged that the development would likely lead to an increased demand, but due a Controlled Parking Zone in the area which operates between 10am - 5pm Monday - Saturday and the site being sustainable (walkable from the city centre, railway station, and several bus routes) they raised no objections. The flats would not be eligible for parking permits. Cycle and bin storage could be provided within the rear courtyard, and a cycle storage condition has been added below.
- (b) Contamination risks in relation to the building - No concerns relating to contamination have been raised throughout the process of the application.
- (c) Flooding risks in relation to the building - No concerns relating to flood risk have been raised throughout the process of the application.
- (d) Impacts of noise from commercial premises on the intended occupiers of the development - the area is predominantly residential in nature so no concerns relating to such have been raised throughout the process of the application.
- (e) The impact of that change of use on the character and sustainability of a conservation area - Not relevant to this application.
- (f) The provision of adequate natural light in all habitable rooms of the dwellinghouses - The plans show that adequate natural light would be provided for each flat.
- (g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses - Not relevant to this application.
- (h) Where the development involves the loss of services provided by a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost - Not relevant to this application.
- (i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building - Not relevant to this application.

Additionally, Officers have assessed the scheme in the context of the Nationally Described Space Standards 2015 and consider that the proposed flats are all large enough to provide a good level of amenity relative to the number of bedrooms in each instance.

## **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 scheme is not considered to be liable for CIL. Additionally, the proposal underwent a Habitat Regulations Assessment (HRA) to ascertain whether there would be an impact on the Tamar Estuary Marine Site. The scheme would trigger a sum of money to be paid through the HRA, however, given that the scheme is not CIL liable, this money would not come from the applicant.

## **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 not required 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 proposals accord with Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **14. Recommendation**

In respect of the application dated 23.05.2025 it is recommended to Prior Approval Required & Given.

## **15. Conditions / Reasons**

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

### **I      CONDITION: APPROVED PLANS**

Existing Plans P1313-01 received 22/05/25

Proposed Plans P1313-11 received 22/05/25

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: TIME LIMIT**

The development hereby permitted shall be completed before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Paragraph MA.2(5) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 3 **CONDITION: CYCLE PROVISION**

### PRE-OCCUPATION

The flats hereby permitted shall not be occupied until space has been laid out within the site for a minimum of 4no. bicycles to be securely parked. The secure area for storing bicycles 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:

To ensure that space is available to park bicycles within the site in accordance with Paragraph MA.2(2a) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 4 **CONDITION: USE OF FLATS**

The flats hereby permitted shall be used as dwellinghouses within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Reason:

To comply with Paragraph MA.2(6) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **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](http://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](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: 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.

## **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>

## **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.