

ITEM: 4

Application Number: 10/01337/FUL

Applicant: Mr Ian Hosking

Description of Application: Change of use and conversion and alteration of public house to form a house in multiple occupation (10 bedrooms) and formation of vehicle parking to rear

Type of Application: Full Application

Site Address: THE GOLDMINE, 50 BUTT PARK ROAD
PLYMOUTH

Ward: Honicknowle

Valid Date of Application: 03/08/2010

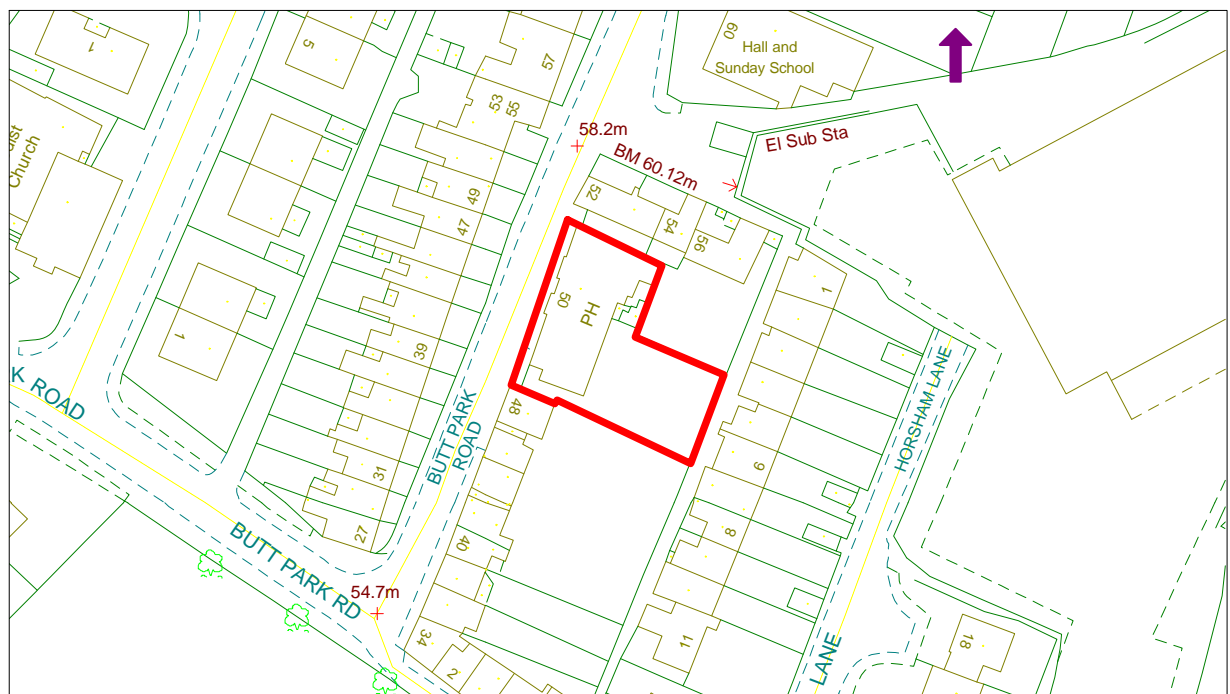
8/13 Week Date: 28/09/2010

Decision Category: Member/PCC Employee

Case Officer : Janine Warne

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being brought before committee as a result of a member referral from Councillor Nicky Williams. Councillor Williams considers that the proposed change of use will be out of character with the area and will compromise conditions of highway safety.

Site Description

Currently the site is occupied by a large building that was formerly the Goldmine public house. The building is arranged over 2 storeys with associated residential accommodation above the former pub.

Proposal Description

The application seeks consent for the change of use, conversion and alterations of the public house to form a house in multiple occupation (ten bedrooms) and the formation of vehicle parking to the rear.

Relevant Planning History

10/00583/FUL – Change of use, conversion and alteration of public house to form a house in multiple occupation (8 bedrooms) and two separate self-contained residential units – Withdrawn.

08/00550/FUL – Redevelopment of site to provide 5 residential units including parking area, cycle and bin store, communal garden, patio and drying areas (demolition of existing Public House) – Permitted.

07/01487/FUL – Redevelopment of site to provide 5 residential units – Withdrawn.

Consultation Responses

Transport – No objections, subject to recommended conditions.

Environmental Services – No objections, subject to recommended conditions.

Housing – No objections; observations received.

Representations

Ten individual letters of representation have been received and one standardised letter signed by fourteen individuals.

The material planning objections have been summarised below:

- Inadequate parking provision
- Inadequate turning provision
- Proposed junction is unsafe and impractical; limited visibility, narrow road
- Inadequate cycle storage
- Noise and fumes from proposed car park
- Close proximity to neighbouring properties
- Overcrowding

Other objections have been raised in the submitted letters of representation; these primarily relate to anti-social behaviour associated with the former unauthorised use of the building as a HMO. However these additional issues are not material planning considerations and therefore are beyond the remit of this application. It should be noted that the unauthorised use as a HMO ceased following a planning enforcement investigation.

Analysis

Introduction

As stated above, this application proposes the change the use and conversion of a public house to form a house in multiple-occupation at the former Goldmine Public house – a disused pub located on Butt Park Road. This application turns upon CS01, CS15, CS28, and CS34 of the Council's Core Strategy, adopted April 2007 and the Development Guidelines Supplementary Planning Document. The primary planning considerations are discussed below.

Loss of Community Facility

The public house has been closed for in excess of two years and is currently in a state of disrepair. The previous planning permission (ref. 08/00550/FUL) accepted the loss of the existing public house and its redevelopment for five residential units. There is therefore no objection, in principle, to the residential use of the site. The approved scheme can still be implemented and therefore it would not be prudent to refuse the application on this basis.

The draft Honicknowle Sustainable Neighbourhood Assessment does not explicitly refer to the public house, however it does confirm that Honicknowle benefits from a good range of community facilities and a moderate range of places to meet and socialise for all age groups and interest groups. Therefore it is considered that there are no overriding policy constraints seeking the retention of this public house and none of the letters of representation have called for its retention as a community facility. For these reasons the loss of community facility is not considered to be harmful or contrary to policy CS01.

Residential Amenity

The application proposes ten bedrooms to be used as a house in multiple occupation. Access to the property can be gained from Butt Park Road, via a communal hallway. Two communal living rooms, a shared kitchen, utility and larder and three bathrooms/shower rooms are proposed. The planning case officer has visited the property and carried out an inspection of all rooms.

Whilst there is no specific *planning* policy which sets minimum room size standards for HMOs, Policy CS15 of the LDF Core Strategy (Status -Adopted April 2007) is relevant. Point is 5 which states:-

5. All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers and respect the privacy and amenity of existing occupiers.

This is supplemented by guidance provided in section 2.3 of the Development Guidelines SPD (Current Status: adopted April 2010) and guidance in Licensing of Housing Multiple Occupation which relates to Housing legislation. The latter contains a section on space standards including the size of 6.5sqm.

As all of the proposed rooms exceed 6.5sqm in size (the smallest being approximately 10.8sqm) the proposal meets the minimum requirements. Therefore it is considered that each bedroom is of an acceptable size to provide adequate standard of living.

All bedrooms and communal living rooms have sufficient day- and sun-light through existing and proposed windows. Although the ground-floor kitchen is served solely by two rooflights, this room will primarily be used for food preparation and, in this case, is not deemed to be a primary habitable room. Therefore, it is considered that this could not warrant the refusal of planning consent.

The application provides limited external amenity space in the old beer garden, for drying washing, refuse and cycle storage. This space can be easily accessed via the rear of the property. Although this outdoor space is dominated by the proposed parking and turning area, it is deemed sufficient for this type of shared residential accommodation.

A privacy screen is proposed to the rear to protect the ground-floor habitable room windows.

Transport

As noted above, Transport have not raised any objections in principal to the proposal to convert the former public house to a ten bedroom HMO, although the proposed use might be considered somewhat unusual given the location. The application property is a good distance from the City Centre and the university therefore it would be less likely to be occupied by students, but rather by other transitory residents.

Butt Park Road is an old Classified Road with two-way traffic flows, although vehicular traffic flows may be reduced in the future with the initiative to seek and implement a Traffic Regulation Order, to ban right turns at the junction of

Butt Park Road and Crownhill Road. Butt Park Road is sub-standard in width which restricts and hampers vehicle and pedestrian movements, although at the same time this tends to restrict vehicle speeds significantly. Butt Park Road is subject of a street widening order under Section 30 of the Public Health Act 1925 (Order No 66, 13/5/1932), however the proposed conversion of the property to a HMO, rather than redevelopment, would not trigger the Section 30 widening order. Therefore there would not be any desirable upgrades to the width and utility of the street at the front of the application property, where footway provision in particular remains poor. However from a Transport perspective it is considered that when the property operated as a public house it would have given rise to a significant level of traffic movements including deliveries, and other comings-and-goings by both vehicles and pedestrians, although it is accepted that movement patterns would differ between the two uses.

The application site is located within a wider area that is made up of residential estates, and is in the order of approximately 5.5 kilometers distant by the most direct road route and public transport corridor from the city centre and the university. The Council's 'Development Guidelines' SPD on parking standards, adopted as part of the Local Development Framework, indicates that the application site has an accessibility level of in the order of approximately 65%. In accordance with adopted guidance this Authority would seek to control car use rather than car ownership, in order to support the creation of sustainable high quality residential neighbourhoods by reducing adverse impacts of residential parking in the public realm.

Due to the out-of-town location of the application site and the level of accessibility Transport would seek off-street car parking to support the change to residential occupation. This application would provide off-street car parking in accordance with policy recommendations, with 6 parking spaces at the rear of the property to support the proposed ten bedrooms. The car parking spaces would need to be managed by the property agent, and it is recommended that this should be conditionally secured and reserved solely for the parking of cars.

Vehicle access and egress to the car parking area would be via a previously, but now disused, access way leading into the rear of the property, which at an earlier time would have been wide enough to accommodate a vehicle. Although inter-visibility is lesser than the recommended standard, vehicle speeds are generally low. This previously existing access route along the side of the building would be improved and widened to assist ease of access for cars. The access is shown having inset gates for security purposes, and notwithstanding the detail shown on the application drawings, the gates should be necessarily and conditionally inset into the property by at least 4.8 metres to allow a car to stand clear of the carriageway so as not to obstruct vehicle flow whilst the gates are being opened.

Whilst cycle storage is proposed for ten cycles, and cycle storage is considered necessary as a means of encouraging cycling as a sustainable means of transport, it is considered that the cycle storage shown and

indicated in the application is likely to be unsuitable, and further details should be required to be submitted by the applicant to ensure cycle storage would be provided to a satisfactory standard. To encourage cycling, the storage provision needs to be high quality, secure, weather-proof, well overlooked and preferably well integrated, to provide the necessary level of comfort to residents that cycles are secure and safe; and individually secure weather-proof internal cage type lockers might be considered for this purpose. High quality cycle storage is required to help mitigate against car parking demand associated with the necessary car use that would be generated by residential development.

Neighbouring Amenity

In planning terms, it is considered that the proposed development would not materially or adversely affect neighbouring residential amenity.

The premises has operated as a public house, with associated residential accommodation, for many years. The site is surrounded by residential properties, which are overlooked by existing first-floor windows. Although the proposed residential use is more intense, given the established relationship the Local Planning Authority consider that the impact of the proposed change of use will not be significant.

The proposed car park to the rear is not deemed demonstrably harmful to neighbouring amenity given its former use as a beer garden.

Although not a material planning consideration, neighbours have raised concerns relating to future occupiers and anti-social behaviour. Therefore in the interest of neighbouring amenity, the case officer recommends that a restrictive condition should be placed on any grant of planning consent seeking a management plan for the operation of the proposed accommodation, this shall include contact details of the person to be contacted regarding any issues arising from the use of the building.

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.

Section 106 Obligations

In accordance with the LDF Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010 no tariff is sought in this case; table 3.1 of the adopted SPD confirms the new threshold for HMOs is ten bed spaces.

Equalities & Diversities issues

There are no additional issues to be discussed here.

Conclusions

The application is considered to perform well against the planning policies defined in the Core Strategy, and, for the reasons outlined above, it is considered that permission should be granted, subject to a series of recommended conditions.

Recommendation

In respect of the application dated **03/08/2010** and the submitted drawings, **591/330, 591-331 Rev.P1, 591-332 Rev.P2, 591-333 Rev.P2 and accompanying Design and Access Statement** , it is recommended to:
Grant Conditionally

Conditions

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.

CYCLE PROVISION

(2) The House in Multiple Occupation hereby approved shall not be occupied until space has been laid out within the site in accordance with further details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 5 bicycles to be stored.

Reason:

In order to promote cycling as an alternative to the use of private cars.

CYCLE STORAGE

(3) The secure area for storing cycles shown on the plans approved in accordance with condition 2 of this consent 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 there are secure storage facilities available for occupiers of or visitors to the building.

COMMUNAL CAR PARKING PROVISION

(4) The House in Multiple Occupation hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan for a maximum of 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

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.

PROVISION OF PARKING AREA

(5) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors 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.

LAND QUALITY

(6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 7 to 9 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall 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 condition 10 has been complied with in relation to that contamination.

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 use 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.

SITE CHARACTERISATION

(7) 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 shall 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 shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

SUBMISSION OF REMEDIATION SCHEME

(8) 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 must 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.

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 (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(9) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

REPORTING OF UNEXPECTED CONTAMINATION

(10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 condition 9.

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.

FURTHER DETAILS

(11) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- position of inset gates to rear parking and amenity area. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

MANAGEMENT PLAN

(12) No unit shall be occupied until a management plan for the operation of the accommodation, which shall include contact details of the person to be contacted regarding any issues arising from the use of the building, has been submitted to and approved in writing by the Local Planning Authority and the management plan shall thereafter be adhered to.

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.

CODE OF PRACTICE

(13) Prior to the commencement of the development hereby approved, a detailed management plan for the demolition/construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION

(1) This property will not require an HMO licence under the mandatory licensing scheme. However it will still be an HMO and will be subject to The Management of Houses in Multiple Occupation (England) Regulations 2006.

INFORMATIVE - LAND CONTAMINATION

(2) Having reviewed the Preliminary Risk Assessment and Desk Study Site Reconnaissance for this application Public Protection Service notes that intrusive investigation is recommended. Therefore conditions 6 to 10 seek to secure the necessary additional investigation.

INFORMATIVE - CODE OF PRACTICE

(3) The management plan required by condition 13 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on neighbouring amenity, the impact on the character and visual appearance of the area and the impact on conditions of highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS01 - Sustainable Linked Communities
- CS15 - Housing Provision
- SPD1 - Development Guidelines