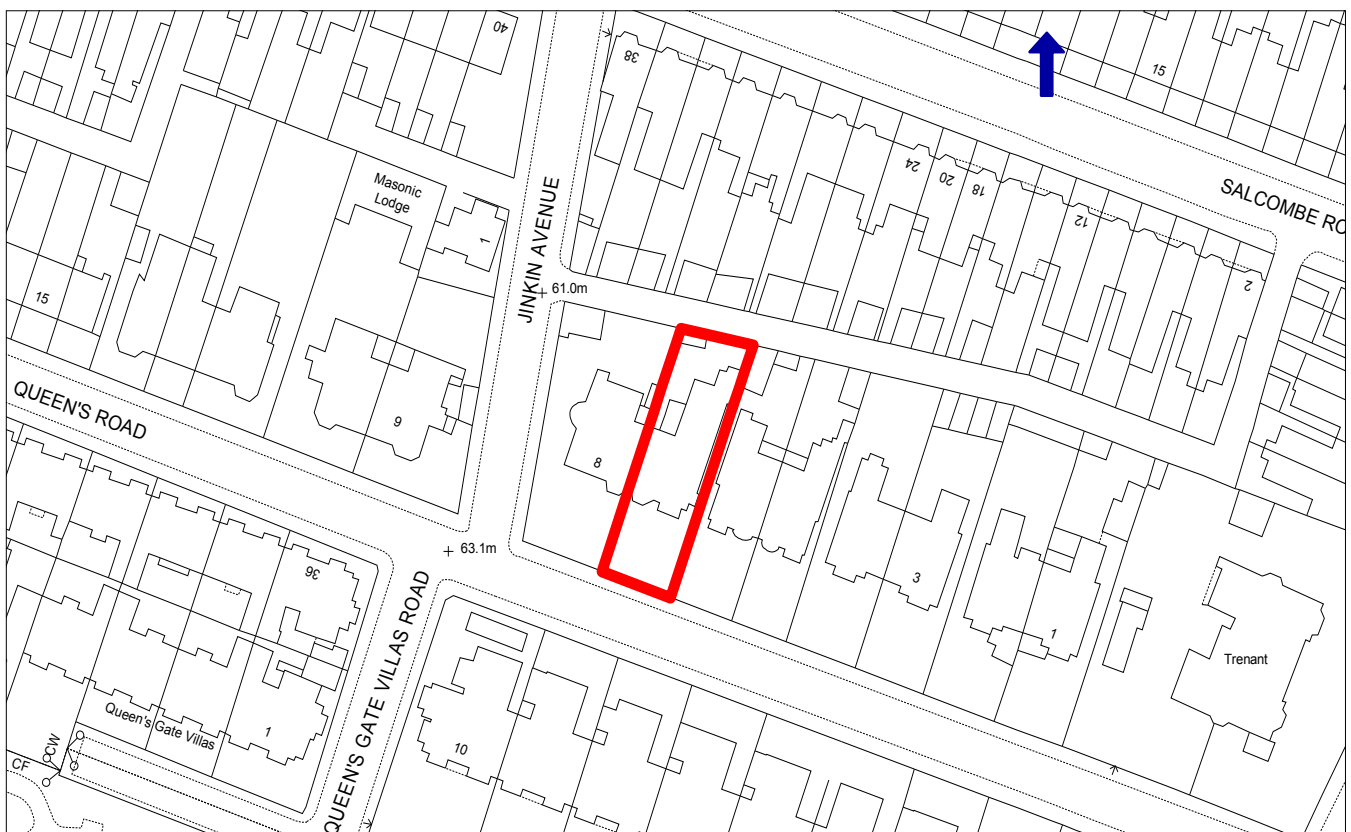


**ITEM: 8**

**Application Number:** 10/00556/FUL  
**Applicant:** Mr M Hunns  
**Description of Application:** Change of use from nursing home to house in multiple occupation (16 bedrooms)  
**Type of Application:** Full Application  
**Site Address:** 7 QUEENS ROAD LIPSON PLYMOUTH  
**Ward:** Efford & Lipson  
**Valid Date of Application:** 30/07/2010  
**8/13 Week Date:** **24/09/2010**  
**Decision Category:** Member Referral  
**Case Officer :** Robert Heard  
**Recommendation:** Refuse  
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## **OFFICERS REPORT**

### **Site Description**

No. 7 Queens Road is a large semi detached property situated in the Lipson area of Plymouth, last used as a nursing home. It is a generously proportioned 1930's villa arranged over 3 floors with adequate curtilage at both the front and rear of the property. Off street parking is provided in the front curtilage, accessed by a driveway from Queens Road.

The site is located in a residential area less than a mile from the city centre and close to the university. Freedom Fields park is a short walk to the south of the site.

### **Proposal Description**

The application proposes to change the use of the property from a nursing home to a 16 bed House In Multiple Occupation (HIMO). At ground floor level it is proposed to have 4 bedrooms, a separate lounge, kitchen and dining room, utility room, shower and WC and separate WC. The first floor contains 8 bedrooms, a shower room and WC, separate shower and separate WC and the second floor has 4 bedrooms and a shower room with WC.

Externally, it is proposed to have 3 off street parking bays at the front of the property. There is also private amenity space to the rear of the site.

### **Relevant Planning History**

No relevant history.

### **Consultation Responses**

#### **Highways Officer**

No objections

### **Representations**

30 letters of representation received, all objecting to the application. Of these, 17 letters were in the form of a petition style letter with the same content and only the name and address changed. 13 were individually written letters. To follow is a summary of the points raised in all of the letters received:

- The properties on Queens Road are nearly all in residential use and occupied by families and professional people.
- There is not enough parking proposed within the site.
- 3 self contained flats would be more appropriate than the development proposed.

- The proposal will detract from the quiet character of the neighbourhood.
- There will need to be extra bins provided for the property.
- The rooms could be let to students.
- The plans do not show the existing entrance or trees to the rear of the property.
- The proposal would detract from the quiet enjoyment of the neighbourhood.
- The development will raise parking problems in an area where there is already a lack of on street parking available.
- The proposal would provide a development imbalance in the area.
- A development this intense will create noise problems in the area.
- The cramming that this development would cause would be detrimental to the living conditions of potential future occupiers.
- Some construction work and alterations has already taken place at the property.

## **Analysis**

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.

This application raises the following main issues which require consideration;

- The principle of the development and its impact upon the character and appearance of the area;
- The impact of the development on the amenities of nearby residential properties and;
- The impact of the development on the surrounding highway network and highway safety.

## **Principle of Development/Impact upon character and appearance of area**

With regards to the first point raised above, the principle of development appears to be acceptable. The application proposes to change the use of the premises from a use falling within the C2 (Residential Institutions) use class to a sui generis use. However, the proposed use, whilst not falling within the C3 (Dwelling Houses) use class, can generally be considered as a residential use of sorts.

It is not proposed to make any external alterations to the property and thus the only alterations proposed to facilitate the proposed change of use are internal. The building was last used as a nursing home and internally was

similar in arrangement to the development proposed, with 17 rooms available for residents. However, it is considered that the impact a nursing home has on the character and appearance of an area is quite different to that of a HIMO with 16 bedrooms. Nursing homes are known to incur minimal trips due to the majority of residents generally being house bound. Whilst there is the coming and going of staff this is also minimal compared to that of a HIMO with 16 separate bedrooms.

Queens Road is in the main characterised by large villas that are either still in single use or have been divided into spacious apartments and there is still a significant amount of owner occupied properties in the area, although there is also an increasing number of properties in the road being converted from single residences to flats and HIMO. Council tax records show that roughly 20% of properties in Queens Road are in student occupation, although this doesn't account for those properties that have been converted into non student HIMOs. However, Queens Road is still predominantly occupied by families or young couples and the current residential mix in the area ensures that a balanced community is provided. The introduction of further non family accommodation could harm the character of the neighbourhood and it is important that concentrations of non family dwellings are avoided in this area.

Internally, this application proposes to provide 16 bedrooms with communal lounge, kitchen and dining room. There are also communal shower rooms and WC's throughout the house, a full accommodation breakdown is provided above in the proposed description section of this report.

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 and states under Point 5 that:-

*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 minimum size of 6.5sqm. The room sizes proposed within this application vary considerably, the smallest room is 7.05 square metres and the largest 22.54 square meters. Three of the proposed rooms are below 10 square meters and whilst this is considered small, as all of the proposed rooms exceed 6.5sqm in size the proposal meets the minimum requirements as set out above.

However, a total of 16 bedrooms over 3 floors and just 3 communal rooms (lounge, kitchen and dining room) is considered to represent over development of the site and will provide inadequate living conditions for potential future occupiers. A single lounge, kitchen and dining room is not considered sufficient to serve 16 bedrooms, some which might be occupied by couples. The shared internal rooms could become congested at certain times and it is thus considered that the proposal would not provide an

acceptable living environment or decent standard of accommodation, in accordance with the Adopted Development Guidelines Supplementary Planning Document (2010) in section 2.3 (Residential Conversions to HIMOs and Flats).

There are no details showing the arrangement of external amenity space at the site. Whilst there appears to be room within the site (according to the site location plan) for limited shared space and outdoor clothes drying facilities it is important that this is provided in accordance with approved details. At present no information or details are available with regards to the use of the rear external curtilage and it therefore cannot be assumed that it will be made available to future occupiers as external amenity and clothes drying space.

### **Impact upon residential amenity**

The application raises issues of residential amenity impact. Whilst the property has previously been in use as a nursing home and occupied by a similar number of people, these have in the main been elderly patients who have rarely left the premises and therefore the number of trips at the site (both pedestrian and vehicular) have been insignificant. The proposal to convert the property into a 16 bed HIMO will dramatically increase trip rates at the site to a level that could have a significant detrimental impact upon the residential amenities of nearby property occupiers. In particular the noise and disturbance associated with increased trips at the site could have a significant impact upon the living conditions of the occupiers of nearby residential properties, particularly as the area is characterised mainly by family dwellings and owner occupied apartments whose residents will have a different lifestyle to the potential occupiers of the proposed HIMO.

It is also worth noting that the Development Guidelines Supplementary Planning Document states in section 2.3.10 that *HIMOs within residential areas generally have less impact on neighbours if they are located in large, detached properties. If the proposal involves a semi detached or terraced house, then good sound insulation will be needed to prevent any noise disturbance to neighbours.* With regards to this, no details of sound insulation have been submitted and it is therefore likely that there will be significant impact upon the other half of this semi detached property, in relation to issues of noise disturbance.

Concerning overlooking, the submitted plans do not show existing or proposed windows, so it is impossible to determine if unacceptable overlooking or loss of privacy will be caused to any of the existing nearby residential properties.

It is likely that increased vehicular activity at the site will result in increased noise disturbance and kerbside parking in the vicinity. The provision of 3 parking spaces to serve 16 bedrooms is low and there is already a high demand for on street parking in the area. Whilst on the northern side of Queens Road there are double yellow lines in existence (ensuring that vehicles cannot park on street directly outside of the property) this will only

serve to increase pressure on kerbside parking in the surrounding streets that do not have double yellow lines and are not controlled by Permit Parking Zones.

### **Highways Issues**

The Highways Officer has recommended approval of the application subject to conditions, whilst raising concerns about the low level of off street parking proposed with the application and acknowledging the high demand for on street parking in this area. The decision to support the application subject to conditions is based mainly on the fact that HIMO's traditionally generate less demand for parking than other residential uses such as dwellings and apartments, due to low car ownership levels by occupiers.

However, the Highways Officer has provided updated comments after considering the letters of representation received, and whilst not changing his recommendation, has stated that whilst transport considered on balance that it would be unlikely that a recommendation of refusal just based upon the low level of car parking on its own could be sustained, a reduction in the amount of bedrooms (and therefore occupiers) at the site would be desirable and encouraged, in order to reduce trips and demand for parking.

### **Other Issues**

The application lacks details of external amenity space, refuse and cycle storage. There are also no windows shown on the proposed floor plans and these are not to scale.

### **Letter of representation**

As stated above in the Representations section of this report, 30 letters of objection have been received, raising points also listed above. Many of the reasons for objection are material planning considerations and have been discussed in detail above in the main Analysis section of this report.

### **Section 106 Obligations**

In accordance with the LDF Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010 the application generates section 106 contributions under the Plymouth Development Tariff. The exact amount required will be reported via an Addendum report.

### **Equalities & Diversities issues**

There are no additional issues to be discussed here.

### **Conclusions**

The application is considered to be over development of the site, proposing a development that is over-intensive and that would create unacceptable living

conditions for future occupiers. It would be detrimental to the character of the area and harm the balance of the community, which in this area is characterised by family and owner occupied properties.

The proposed development would be harmful to the residential amenities of nearby property occupiers, incurring a vast increase in trips at the site and thus the noise and disturbance associated with additional trips. It is also likely that additional pressure on kerbside parking in the area could raise issues of highway safety and lead to high levels of unauthorised parking in the area.

For the reasons outlined above, and due to the submitted plans being inadequate, the application is recommended for refusal.

### **Recommendation**

In respect of the application dated **30/07/2010** and the submitted drawings, **Site Location Plan, Final Floor Plan**, it is recommended to: **Refuse**

### **Reasons**

#### OVER DEVELOPMENT/OUT OF CHARACTER

(1) The proposed House in Multiple Occupation (HIMO) would harm the character of the surrounding neighbourhood, introducing further high density multiple occupancy accommodation that would be detrimental to the Council's aims to provide balanced communities with a range and mix of dwelling types. The intensity of the proposed use as a sixteen bed House in Multiple Occupation comprises an inappropriate form of development that is too dense and represents over development of the site, being harmful to the existing character of the area which already has a significant amount of non family dwellings and HIMOs. Consequently the proposal is contrary to policies CS01, CS15 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### POOR LIVING CONDITIONS

(2) The proposed development is considered to be over development and over intensive by virtue of the amount of bedrooms proposed at the site. This creates poor living conditions for potential future occupiers and provides an unacceptable living environment that does not provide a full range of amenities or a decent standard of accommodation at the site. The application is therefore contrary to the advice given in the Adopted Development Guidelines Supplementary Planning Document (2010) in section 2.3 (Residential Conversions to HIMOs and Flats) and Policy CS15 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### DETRIMENTAL TO RESIDENTIAL AMENITY

(3) The proposed House in Multiple Occupation would be detrimental to the amenities enjoyed by the residential occupiers of nearby properties in Queens Road, by virtue of the intensity of the proposed use and the close relationship with neighbouring residential properties. The residential environment of adjoining and nearby properties would be likely to be harmed by the number of trips (both vehicular and pedestrian), noise, and other disturbance arising

from the proposed development. Consequently the proposal is contrary to policies CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### INADEQUATE PLANS

(4) The details submitted with the application are inadequate as the plans are not to scale and do not show the location of windows or the arrangement of the external rear amenity area. The application is therefore contrary to policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### **Relevant Policies**

The following (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS01 - Sustainable Linked Communities
- CS15 - Housing Provision
- SPD1 - Development Guidelines