

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 11/01597/FUL

Applicant: Mr and Mrs J Newall

Description of Application: Change of use and conversion from single dwellinghouse to house in multiple occupation (10 rooms) for students, with parking and secure cycle storage

Type of Application: Full Application

Site Address: 7 WOODLAND TERRACE, GREENBANK ROAD
PLYMOUTH

Ward: Drake

Valid Date of Application: 30/09/2011

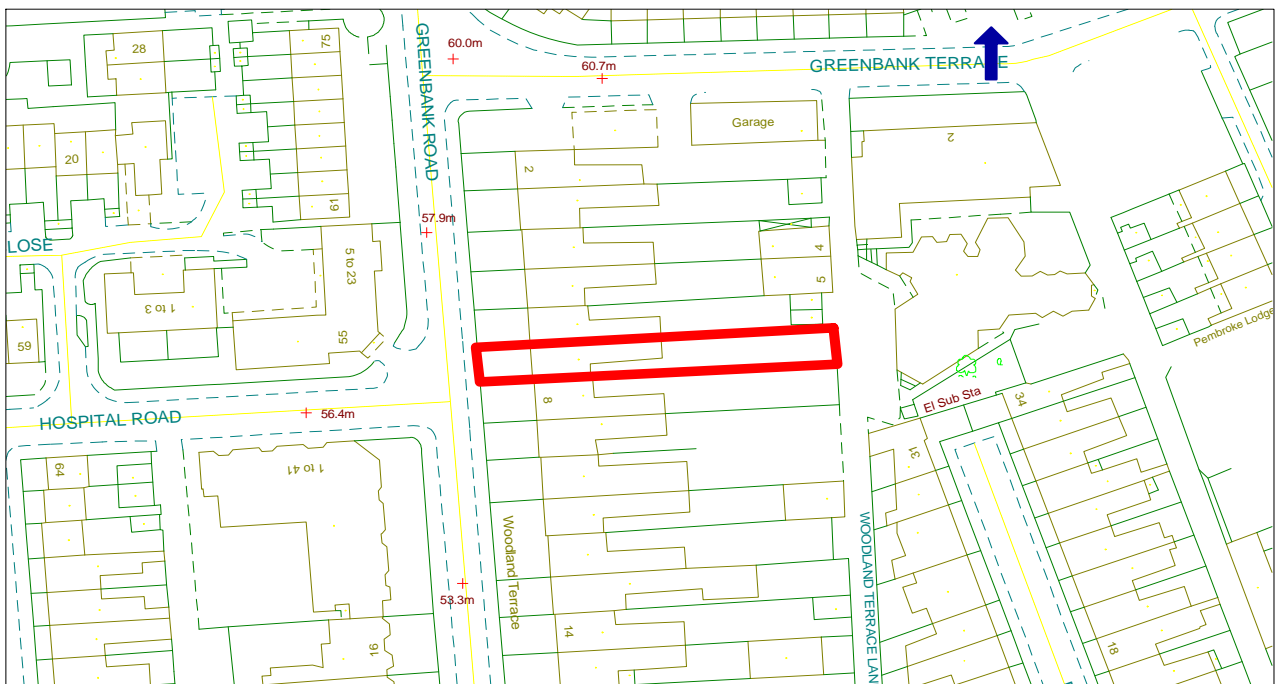
8/13 Week Date: **25/11/2011**

Decision Category: Member/PCC Employee

Case Officer : Simon Osborne

Recommendation: Grant Conditionally

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15 December 2011

Officer Report

This application is brought to committee because one of the applicants is employed by Plymouth City Council.

Site Description

7 Woodland Terrace (Greenbank Road) is a six-bedroom, mid-terraced, three-storey dwellinghouse with rooms in the roofspace (with two dormer windows) and a two-storey rear tenement. There are 2 parking spaces at the rear. The dwelling is served by Woodland Terrace Lane to the rear (east) and is bounded by adjoining properties to the north and south.

Proposal Description

The proposal is for change of use and conversion from a single dwellinghouse to a house in multiple occupation (HMO) (10 rooms) for students with 4 car parking spaces, secure cycle storage and refuse storage area, with rear patio and garden area. The property is proposed to be re-roofed, with provision of slightly-enlarged dormer windows.

The accommodation would comprise the following:

Ground floor: kitchen/dining/living room, utility room, secure store room and 2 bedrooms (both with en-suite shower rooms)

First floor: 4 bedrooms (2 with ensuite shower rooms), shared bathroom/toilet and shared toilet

Second floor: kitchen/dining room, 2 bedrooms (1 with ensuite shower room) and shared bathroom/toilet

Roofspace: 2 bedrooms (both with ensuite shower rooms)

Relevant Planning History

There is no relevant planning history for 7 Woodland Terrace.

Consultation Responses

Transport - No objections subject to conditions

Public Protection Service – Recommends refusal due to lack of contaminated land information

Representations

No letters of representation have been received regarding this application.

Analysis

This application turns upon CS15, CS22, CS28, and CS34 of the Core Strategy, and the Supplementary Planning Document 'Development Guidelines', as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework. The planning issues are discussed below.

THE PRINCIPLE OF A HMO IN THIS LOCATION

Being close to the university, this is a student area. The dwellings in the area, including the subject property, are large and therefore less suitable for general family occupation. It is evident that some of the other properties in the street, including No.8 next door, have been converted to HMOs, flats, and student accommodation. It is therefore not considered that the conversion of the property to a 10 bed HMO would be detrimental to the character of this location.

It should be noted that the property falls within the area of the proposed Article 4 direction which, if confirmed, will require planning applications for changes of use from C3 (dwelling) to C4 HMOs (3-6 occupiers) from 14 September 2012. Whilst this is relevant when considering potential fall back positions, this application is for a 10-bedroom HMO which, with or without the Article 4 direction, requires planning permission. The proposal should therefore be considered on its own merits.

VISUAL IMPACT

The only external alterations would involve a small increase in the size of the existing front and rear dormers and alterations to doors and windows at ground floor level in the rear tenement. These minor alterations would not have a significant impact on the appearance of the property.

HIGHWAYS/PARKING

The Transport officer raises no objection in principle to the proposed change of use. The application property is considered to be conveniently located within easy reach of local amenities. There are currently two off-street car parking spaces, which would be increased to four by providing two more spaces in tandem, with access from the rear service lane. Cycle storage provision is indicated in the application, and cycle storage for a minimum of 5 cycles should be secured by condition.

The application property lies within the bounds of a permit parking scheme that is currently oversubscribed and, as a result of the intensification in the use of the property, shall be excluded from the issue of all types of parking permits and tickets.

STANDARD OF ACCOMMODATION

Most of the bedrooms in the proposed HMO would be reasonably large and all exceed Housing's minimum requirement of 6.5 sq.m. All the rooms would have a reasonable standard of natural lighting and outlook. It is considered that adequate communal areas, kitchens and washrooms would be provided. There is a large rear outdoor amenity area which includes the 4 proposed parking spaces. This would also be large enough to accommodate clothes drying facilities, cycle storage, and refuse storage. Further to this the property is centrally located near to the university, the city and parks, and has very good public transport links.

On the basis of the above observations, it is considered that the proposal offers a good standard of accommodation for students.

NEIGHBOURING AMENITIES

As this is a student area, it is not considered that any additional impacts associated with the proposal would be significant. It is also noted that no letters of objection have been received regarding this application. However, in order to help control any

impact that students might have on surrounding residential amenity, by means of noise (parties etc), it is recommended that a condition is added that the applicant must submit details of the management arrangements for the accommodation, prior to occupation.

The small external alterations would have a negligible impact on neighbouring properties.

Public Protection Service has raised concerns regarding noise transference between properties and rooms. It is recommended that an informative is added to advise the applicant of this issue.

A code of construction condition is also recommended.

CONTAMINATION/POLLUTION ISSUES

Public Protection Service considers that the proposed development is a use that would be vulnerable to contamination, particularly as it includes a soft landscaped garden area. Additionally, the proposed site is within the footprint area of a former hospital and very close to an old garage where fuel was stored underground. This may have caused contamination and, as such, proper human health risk assessment is required. In light of the above observations, they recommend refusal until the necessary contamination information has been submitted.

The advice of the Public Protection officer is noted; however the application is for the conversion of a large single dwellinghouse with a garden to another form of residential use. Unlike the proposed use, the existing dwelling may house children (or other at-risk groups) and is more likely to be subject to gardening activity that would disturb the ground. It is therefore not considered reasonable or appropriate in this case to refuse the application or insist on more information on contamination.

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

No contributions are required for this application.

Equalities & Diversities issues

None

Conclusions

It is considered that the proposal complies with the relevant policies and therefore the application is recommended for conditional approval.

Recommendation

In respect of the application dated **30/09/2011** and the submitted drawings Site Location Plan, 1145.04, 1145.10, 1145.11, 7 Photographs, 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1145.04, 1145.10, 1145.11.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(3) None of the rooms hereby permitted shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION - 5 CYCLES

(4) None of the rooms hereby permitted shall be occupied until space has been laid out within the site in accordance with the approved plan for 5 bicycles to be securely parked. Thereafter the cycle storage shall remain available for its intended purpose and shall not be used for any other purpose.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BEDROOMS

(5) No more than 10 rooms at the property shall be used as bedrooms. Only the rooms labeled "bedroom" on the approved plan 1145.11 shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms is as proposed in the application and 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 policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT ACCOMODATION

(6) The occupation of the accommodation hereby permitted shall be limited to students in full time education only unless otherwise agreed in writing by the Local Planning Authority.

Reason:

The accommodation is considered to be suitable for students in accordance with Policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, but its occupation by any other persons would need to be the subject of a further application for consideration on its merits.

MANAGEMENT DETAILS

(7) None of the rooms hereby permitted shall be occupied until details of the arrangements by which the accommodation is to be managed have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF CONSTRUCTION

(8) During works implementing the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service Code of Practice for Construction and Demolition Sites, with particular regard to the hours of working.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants are likely to be disturbed by noise during alteration works, and this condition seeks to avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: NOISE AND DISTURBANCE

(1) The Council's Public Protection Service advises that living rooms and bedrooms should meet the good room criteria as set out in BS 8233:1999. The Environmental Protection Act 1990 deals with statutory noise nuisance. The proposed use of this development as a student property can reasonably be considered to present further issues in terms of noise due to the intended use. Consideration of sound insulation should be considered to partition walls, floors and ceilings to reduce the potential impact of noise on other occupants as well as on neighbouring residential dwellings. Further enhancement of the property to install supplementary sound insulation will be more difficult and costly post development. Therefore it is recommended that sound insulation is considered prior to development.

INFORMATIVE: EXCLUSION FROM RESIDENTS PARKING SCHEME

(2) The applicant is advised that the application property lies within the boundaries of a Permit Parking Zone that is currently oversubscribed and shall be excluded from the issue of car parking permits including business permits and visitor tickets.

INFORMATIVE: MANAGEMENT PLAN

(3) The applicant is hereby advised that the management details to be submitted and agreed under condition 7 should comprise the following elements:

- a. At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations.
- b. To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request.
- c. To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.
- d. The owners shall impose on the person responsible for the management of the property a strict timescale to include an investigation of any complaint within twenty four hours and a written response within three working days and shall take such steps as are necessary to ensure that the timescale is adhered to.

INFORMATIVE: CODE OF CONSTRUCTION

(4) A copy of the Public Protection Service Code of Practice for Construction and Demolition Sites is available from <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> or on request from the Environmental Protection and Monitoring Team.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the principle of the proposed development, impact on surrounding residential amenity, highways/parking, standard of accommodation, and contamination/pollution, 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 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, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS02 - Design

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011