

# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** 11/01791/FUL

**Applicant:** Amber New Homes and Developments Ltd

**Description of Application:** Continuation of use as 10-bed HMO for student accommodation including alterations to windows at ground and first floor levels, installation of roof windows on front and side roof elevations and dormer windows to rear

**Type of Application:** Full Application

**Site Address:** 64 SALISBURY ROAD PLYMOUTH

**Ward:** Sutton & Mount Gould

**Valid Date of Application:** 18/11/2011

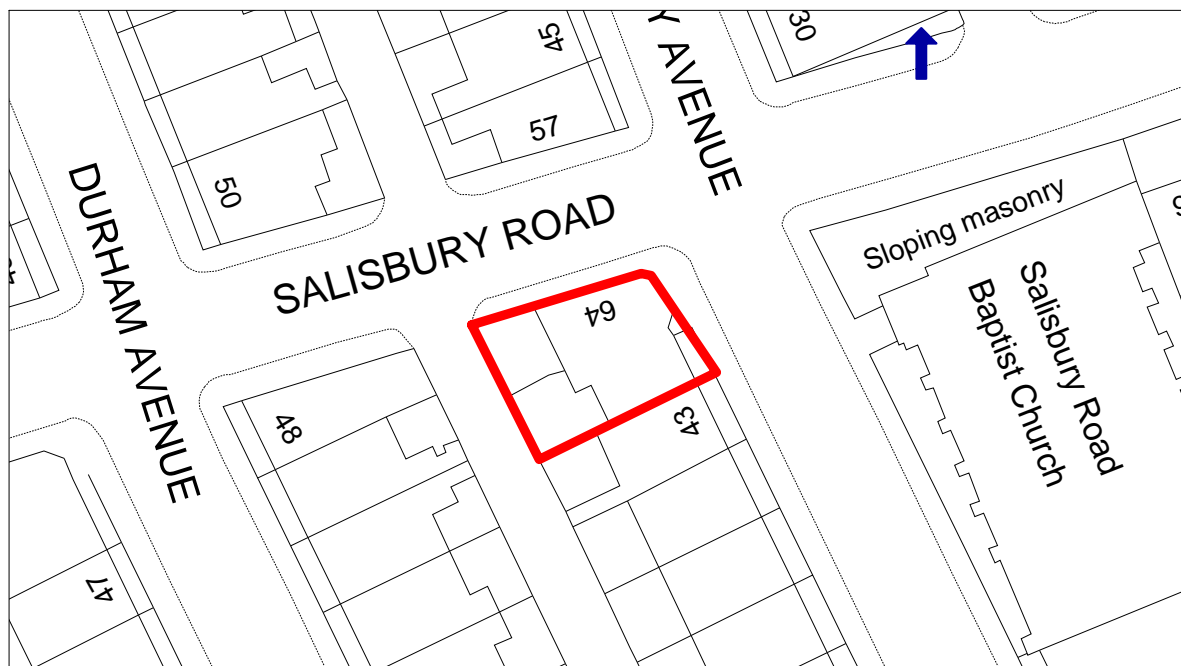
**8/13 Week Date:** **13/01/2012**

**Decision Category:** Member Referral

**Case Officer :** Olivia Wilson

**Recommendation:** Grant Conditionally

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## **OFFICER'S REPORT**

### **Member Request**

This application is being reported to the Planning Committee at the request of Councillor Rennie, who is ward member for this area. He has concerns because planning permission was granted for a previous application, but this permission has been breached and as a result there is public concern.

### **Site Description**

64 Salisbury Road is an end of terrace property in the Mount Gould area of the city occupying a corner plot on the corner of Salisbury Road and Roseberry Road. The property has a former shop unit at ground floor level, and is located within Salisbury Road Local Centre. The area is characterised by a mix of commercial and residential uses and is opposite a Baptist Church. It backs onto a rear service lane shared with Durham Avenue.

### **Proposal Description**

Continuation of use as 10-bed HMO for student accommodation including alterations to windows at ground and first floor levels, installation of roof windows on front and side roof elevations and dormer window to rear.

### **Relevant Planning History**

04/01313/FUL Change of use and conversion of lower ground floor from retail store to residential flat, with erection of porch - refused

10/00976/FUL Change of use, conversion and alterations, from retail and residential to create four flats, with single-storey rear extension at ground-floor level, three off-street parking spaces, and associated cycle storage and bin storage – withdrawn

10/01984/FUL Change of use, conversion and alterations from retail unit and three flats to form two self-contained four- bedroom maisonettes, and formation of room in roofspace with dormer - permitted

No pre-application advice has been requested by the applicant for this application.

### **Consultation Responses**

Highways and Transport Service initially objected to the application on the grounds of insufficient parking, insufficient cycle parking and insufficient bin storage. In response to a revised car parking and cycle parking layout, it has revised its response. It still objects on the grounds of insufficient off-street parking spaces, and consequent detriment to highway safety and existing car parking amenity of local residents. It supports the provision of 5 secure cycle spaces but is concerned that insufficient bin storage is provided.

Environmental Protection Service has no objection to the application.

Waste and Street Scene Service notes that 6 bins are required for a 10-bed HMO.

## **Representations**

46 Durham Avenue - raises concern about the fact that the owner has breached the planning permission that was granted in 2010 for two maisonettes.

50 Durham Avenue – is also concerned about the fact that the owner has breached the planning permission that was granted in 2010 for two maisonettes.

Councillor Nelder objects to the proposal on the following grounds:

- lack of parking and resultant pressure on on-street parking
- lack of cycle storage and bin storage
- the fact that the property has been converted to an HMO without prior planning permission
- impact of this and other HMOs on the community.

Councillor Aspinall objects to the proposal for the following reasons:

- The ground floor windows open directly onto the pavement, causing a hazard to pedestrians, especially the visually impaired.
- The development has gone ahead without planning permission
- The community is concerned about the changing nature of the area.

A petition has been received with 14 signatures from residents of Durham Avenue and Roseberry Avenue setting out their concerns regarding the fact that the application is retrospective and that the owner has not complied with the original planning permission that was granted.

## **Analysis**

This application arises from an enforcement case and is therefore a retrospective application for an existing 10-bed HMO.

The previous (approved) application was for change of use, conversion and alterations from a retail unit and three flats to form two self-contained four-bedroom maisonettes, and formation of room in roofspace with dormer. This change of use was never implemented, however, although the approved external alterations have been implemented. Instead, the property has been converted to a 10-bed student HMO.

The internal layout has, as a result, changed to create 2 additional en suite bedrooms. The basement floor contains a communal kitchen/ lounge area (with 2 entrance doors from the rear yard). The ground floor contains 4 en suite bedrooms with a rear access door. The first floor also has 4 en suite bedrooms while the loft space has 2 en suite bedrooms.

This application raises the following planning issues which require consideration:

1. The principle of the development and its impact upon the character and appearance of the area
2. The impact of the development on the amenities of nearby residential properties
3. Standard of accommodation provided
4. The impact of the development on the surrounding highway network and highway safety.
5. The principle of a retrospective application

### **The principle of the development and its impact upon the character and appearance of the area**

The Development Guidelines SPD states that HMOs can reduce the local stock of family dwellings and change the character of the neighbourhood. The degree of impact depends on the location and nature of the housing stock.

In this case, the proposal is within the proposed 'Article 4 Direction' area where it is proposed by the Council to introduce special rules to control the conversion of dwellings into HMOs (removing permitted development rights for C3 to C4 uses). If the Direction is confirmed, it will be introduced in September 2012. The fact that the area has been identified as part of the Article 4 Direction indicates that there is a concern about the number of properties being converted into HMOs.

In this particular location, the evidence suggests that currently less than 10% of housing stock is student housing, which is a relatively small proportion in comparison to areas closer to the City Centre and University. Salisbury Road has a mixed use character, although the side roads are more residential in character. The property was a former shop unit with residential above and therefore would have been associated with a certain amount of commercial activity in the past.

Given the mixed use character of the area, the former commercial use of the property and the relatively low proportion of student HMOs in the area, it is not considered that an HMO in this location will be detrimental enough to the stock of housing in the area and the character of the area to warrant refusal.

The external changes that were approved with the previous application have been implemented with minor changes. At ground floor level, there is only one entrance door at the rear compared to 2 proposed with the previous application. Additional rooflights have been constructed – 2 on the front elevation and 1 on the rear. The main ground floor window on the east elevation has additional glazing bars. It is considered that these are minor changes and are not detrimental to the street-scene.

Only one parking space has been provided compared to 2 that were proposed with the previous application. This issue is discussed in relation to parking and highways (below).

While it is unfortunate that the relationship of the property with the street-scene is awkward due to the entrance door being to the rear and therefore hidden to public view, this change was approved previously. It is not considered therefore that this can be objected to with this application.

### **The impact of the development on the amenities of nearby residential properties**

HMOs can give rise to concerns over on-street parking, unsightly rubbish bins and noise. On the Officer's site visit, 4 bins were seen to the rear of the property on the service lane and 2 in the off-street parking area. It is considered that a proper bin storage area should be provided to serve the property for a total of 6 bins. Revised

plans have been received showing enclosed bin storage for 4 bins within the rear yard area. A condition can be attached requesting that enclosed provision for 6 bins is made.

An HMO of this size is likely to give rise to more noise and disturbance than a flat or house due to the number of occupants who are likely to come and go at different times. The fact that it appears to be relatively isolated from the main student housing area, however, means that there is less danger of detrimental cumulative impact from this development. It is also considered that its location on a corner plot on a relatively busy road makes less impact than if it was located within one of the residential side streets. No objections have been received from local residents regarding noise and disturbance.

It is noted that the tenancy agreement for this property requires the tenant to sign an anti-social behaviour code and there are restrictions on noise. It is considered that the property is managed in a way to minimise disturbance to neighbours.

A concern has been raised that the ground floor windows along the elevation fronting Salisbury Road open outwards over the footpath, and cause an obstacle to passing pedestrians, especially visually impaired persons. It is considered that a condition can be attached to require window opening restrictors to be attached to prevent the ground floor windows on this elevation from opening outwards.

#### **Standard of accommodation provided**

The Council has issued an HMO licence for 5 years for this property to authorise the occupation of the property by 10 persons.

It is considered that the standard of accommodation provided is satisfactory for student accommodation. Each bedroom has an en suite bathroom and meets the minimum size requirement of 6.5 sq m; the smallest proposed bedroom measures approximately 9 sq m, including the en-suite. The bedrooms on the ground and first floors all have a window to allow in natural light. The 2 bedrooms in the loft area have roof lights. One of the bedrooms has a window in the rear dormer, but the other two dormer windows serve the stairwell and are obscure glazed. There is a communal lounge and kitchen in the basement area. While these are lit by only small windows to the rear, it is considered that they provide adequate accommodation for this purpose.

A condition can be applied stating that the property should be occupied by full time students only.

#### **The impact of the development on parking and highway safety.**

The Development Guidelines SPD states that the requirements for car parking can be reduced if the HMO is located within easy walking distance of shops and services and public transport.

Salisbury Road is a busy street characterised by mixed residential/ commercial uses. There is a demand for on-street parking arising from local shops as well as residents. Currently, there are no parking restrictions operating in this area.

It is considered that the property is in a relatively sustainable location, with a regular bus service along Beaumont Road (No. 23 bus), local shops within easy walking distance and it is about 1.3 km from the University which is a walkable/ easy cycling distance. It would be suited to occupiers without a car.

The 10-bed HMO is likely to intensify the volume of cars parking on Salisbury Road and Roseberry Avenue at certain times, however, especially when occupants are moving in or out of the accommodation, giving rise to concerns over additional pressure on on-street parking.

The application states that 2 off-street car parking spaces will be provided. However, the originally submitted plans only showed space for one car to park on a hardstanding to the rear of the property. The lower rear amenity space was shown as an amenity space and storage area, although it was proposed as a parking space in the previous approved application. The application also states that space is provided for the storage of 5 cycles although this was not shown on the originally submitted plans.

In response to these concerns, a revised plan has been received showing the lower rear amenity space converted to a second parking space, and an enclosed bike store area with space for 5 cycles to park provided adjacent to the upper parking space.

Transport and Highways has raised concerns that the provision of an additional parking space is still insufficient to serve a 10-bed HMO; the applicant has not provided evidence to justify the lower provision of parking spaces and has not provided wheel tracking plans to demonstrate that vehicles could use the parking spaces safely. It is also concerned that insufficient bin storage is provided to enable bins to be stored safely off the highway.

While recognising these concerns, it is considered that on balance a reduction in car parking spaces is reasonable in this location and for this use for the following reasons:

1. The use is for full-time students who are unlikely to need a car if they study at the University or College of Art (or other central location within the city).
2. The property is reasonably located in terms of sustainable transport options (public transport, walking and cycling).
3. There are local shops nearby for convenience items.

It is noted that the revised plan only shows enclosed bin storage for 4 bins, but it is considered that this can be addressed through a condition so that space for 6 bins is provided. Conditions can be placed requiring the additional parking space and cycle parking area to be provided within 3 months of the decision, and requiring the area to be kept clear for parking.

### **Retrospective application**

Several objections have been received regarding the fact that this application is retrospective and that the applicant did not seek planning permission for this use before converting the property.

When considering retrospective applications the Council must still consider the application against material planning considerations. The fact that the application is retrospective is not a material consideration. In this case, following consideration of the planning considerations above, it is concluded that on balance the use is satisfactory and that therefore a refusal of planning permission is not justified.

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**

It is not appropriate to require a tariff contribution for this development as the previous use cancels out the impacts arising from the HMO use.

### **Equalities & Diversities issues**

This application will provide accommodation for students in full time education and therefore will support their housing needs.

### **Conclusions**

On the basis that the use is acceptable on the grounds of impact on the character of the area, the amenity of residents, standard of accommodation, and on balance highway safety and parking, it is recommended to grant conditional approval.

### **Recommendation**

In respect of the application dated **18/11/2011** and the submitted drawings Site location plan, AL01 Proposed and existing east elevations, AL02 proposed and existing north elevations, AL03 proposed and existing west elevations, AL04 Proposed Lower Ground Floor Plan; AL05 Proposed Ground Floor Plan, AL06 Proposed First Floor Plan, AL07 Proposed Second Floor Plan, AL09 Existing Ground Floor Plan, AL12 Proposed parking, bin and cycle storage, and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **APPROVED PLANS**

(1) This permission relates to the following approved plans: Site location plan, AL01 Proposed and existing east elevations, AL02 proposed and existing north elevations, AL03 proposed and existing west elevations, AL04 Proposed Lower Ground Floor Plan; AL05 Proposed Ground Floor Plan, AL06 Proposed First Floor Plan, AL07 Proposed Second Floor Plan, AL09 Existing Ground Floor Plan, AL12 Proposed parking, bin and cycle storage.

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.

#### CYCLE PROVISION - 5 SPACES

(2) Within 3 months of this permission, a secure cycle shelter space shall be constructed in accordance with the approved plan for 5 bicycles to be parked securely and under cover.

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.

#### CYCLE STORAGE

(3) The secure area for storing cycles 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.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CAR PARKING PROVISION

(4) Within 3 months of this permission, the 2 car parking spaces shown on the approved plans shall be levelled, drained, surfaced and made available for car parking, 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.

#### BIN STORAGE

(5) Notwithstanding the submitted plans showing provision for 4 bins to be stored, within 3 months of this permission, enclosed bin stores shall be provided for the storage of 6 bins.

Reason:

To protect the amenity of occupiers of 64 Salisbury Road by providing an enclosed store and to provide a dedicate bin storage area within the property in the interests of highway safety in accordance with policies CS34 and CS28 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) adopted 2007.



## OCCUPATION BY STUDENTS

(6) The property at 67 Salisbury Road shall be occupied by bone fide students in full-time education only and shall not be occupied by any other persons at any time.

### Reason:

The size and layout of the property is considered appropriate for use by students but would be inappropriate for other, non-student purposes and other residential uses would require a higher level of off-street car parking provision, in accordance with policies CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and Development Guidelines Supplementary Planning Document.

## WINDOW OPENING RESTRICTERS

(7) The ground floor windows on the north elevation of the property fronting Salisbury Road shall within 1 month of this decision, unless a longer period is otherwise agreed in writing with the Local Planning Authority, be fitted with opening restricters which shall thereafter be retained and maintained.

### Reason:

To prevent obstruction of the highway and protect public safety in accordance with Policy CS34 of the Plymouth Local Development Framework adopted Core Strategy 2007 (2006 - 2021).

## **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 development and its impact upon the character and appearance of the area, the impact of the development on the amenities of nearby residential properties, standard of accommodation provided, the impact of the development on the surrounding highway network and highway safety, the development is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the 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

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011