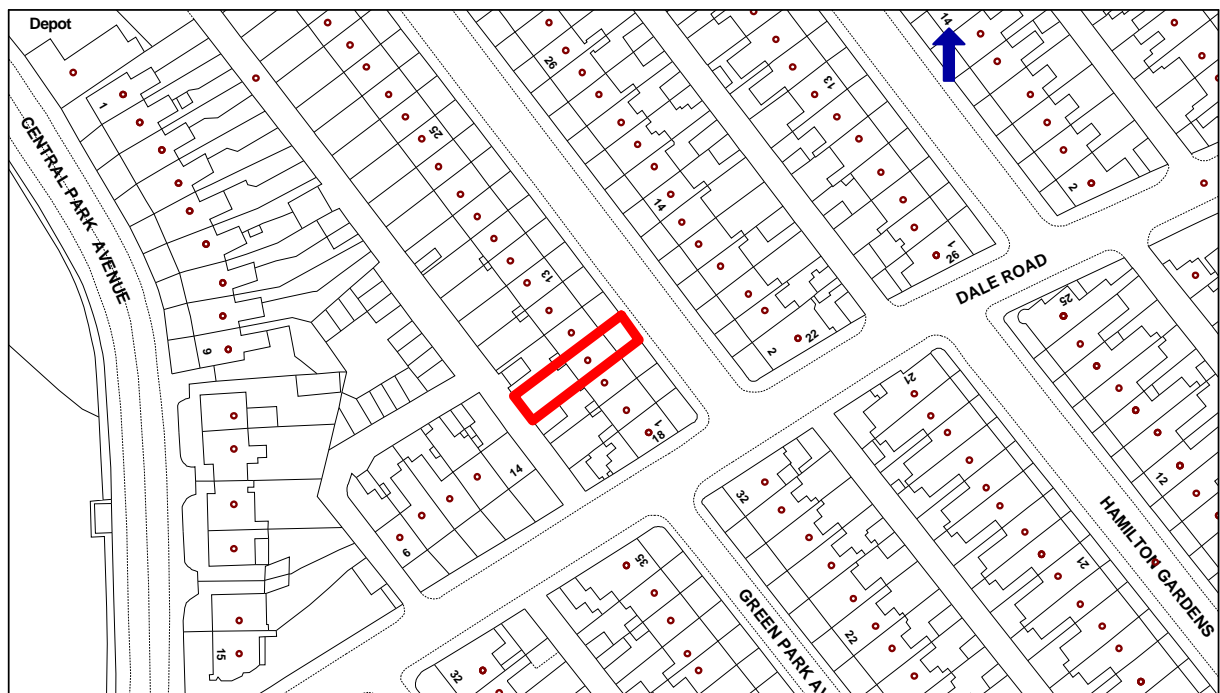


PLANNING APPLICATION REPORT



ITEM: 03

Application Number:	13/00096/FUL
Applicant:	Mrs Tracey Harding
Description of Application:	Change of use from single dwelling house (Use Class C3) to 4 bedroom house in multiple occupation (Use Class C4)
Type of Application:	Full Application
Site Address:	7 RIDGE PARK AVENUE PLYMOUTH
Ward:	Drake
Valid Date of Application:	28/01/2013
8/13 Week Date:	25/03/2013
Decision Category:	Member Referral
Case Officer :	Liz Wells
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2013 Scale 1:1250

Committee referral

This application has been referred to Planning Committee by Councillor Rickets.

Site Description

7 Ridge Park Avenue is a mid-terrace residential property in the Drake ward of the City. The property is used as a single dwelling with two bedrooms on the first floor and a converted loft forming a third bedroom. The property has a modest rear garden with steps down to the rear service lane.

The street comprises similar properties in a continuous terrace.

Proposal Description

Change of use from single dwelling house (Use Class C3) to 4 bedroom house in multiple occupation (Use Class C4). The proposal makes limited changes to the existing layout and indicates that the ground floor room at the front 'may' be used as a fourth bedroom.

Pre-Application Enquiry

None

Relevant Planning History

None

Consultation Responses

Transport – comments awaited – likely to be no objections due to the relatively inconsequential change in demand for parking from existing to proposed use.

Public Protection Unit - Any nuisance or anti-social behaviour emanating from the future proposed development would normally be addressed through legislation. Should the application be granted, there is a requirement for an adequate management plan, to control the future operation of the accommodation and to address any issues that may be created by future tenants. A copy of this management plan should be submitted to the Local Planning Authority and so a condition and informative are recommended that support this requirement.

Regarding conversion/ construction management, because the proposed development involves potentially noisy and disruptive activities a condition is recommended to help mitigate any effect on nearby residents.

Conditions recommended for Management Plan and hours of construction and demolition.

Representations

Thirteen letters of representations have been received of which one is from Ward Cllr Rickets and six from local residents, all objecting to the application on the following grounds:

- There are too many multi-occupied properties in the PL4 area due to absentee landlords letting to students in particular.

- The change of use of this property would possibly increase further the pressure on the present unsatisfactory zonal parking arrangements for we permanent residents.
- The street is already suffering from litter, with bins left out.
- The noise is already at an unacceptable level, from late night partying. These students couldn't care less about their neighbours!
- Ridge Park is presently still a fairly family orientated street which will begin to change further if yet another student house is allowed to open.
- Recently the council passed change of use application for the Trathens owned student car park at the end of Dale Road, which will further add to the parking pressure on residents in Zone R, and which is in close proximity to Ridge Park.
- Recent permission granted at the old Royal Eye Infirmary for 220 students.
- Yet another property will be exempt from council charges.
- These people are not so slowly pushing the residents of this area out, lowering the value of our homes, and impacting upon the safety of our children.

Analysis

For the purpose of this report it is noted that the application site lies in the recently designated Article 4 direction area which requires changes of use of dwellings C3 to C4 to require planning permission from the Council.

This application turns upon the NPPF, policies CS01 (Development of Sustainable Linked Communities), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) of the Council's Core Strategy, adopted April 2007, Development Guidelines Supplementary Planning Document (SPD) and the draft revised 'First Review' Development Guidelines SPD (with appropriate weight attached). The primary planning considerations are the impact on the character of the area, highway considerations, the impact on neighbouring properties, and residential amenity.

Character of area

The conversion of family dwellings into HMOs reduces the local stock of family dwellings and changes the character of the neighbourhood. HMOs are often associated with negative impacts such as noise, on-street car parking, anti-social behavior and run-down properties. The degree of impact of a proposed HMO will depend on the location and the nature of the existing and resulting housing stock, and the number of existing HMOs and other non-family dwellings in the area. Proposed HMOs should not cause the loss of a viable use that it is considered important to retain given the Council's objective of creating sustainable, linked communities.

The draft SPD states that in Plymouth it is considered that a threshold of approximately 25% is an appropriate ceiling to maintain balanced communities. This figure is the number of buildings that are in HMO use as a percentage of all residential buildings. Changes of use that would result in a concentration of HMOs higher than 25% will normally be resisted. Consideration is given to the concentration of HMOs in the local area, the census output area and at the street level.

From the data available to the Council the percentage of licensed HMOs and Council Tax exempt properties in the census output area is 11-20% and from the contiguous census output area for this location is 26-30%.

Reference to the individual property data available to the Council for properties within 100m range of the application property in each direction indicates that 13-19% are already in some form of multiple occupation either shared houses or flats/bedsits, while the remaining 80+ percent remain as single dwelling use. A simple externally assessment survey carried out on 5 February 2013 confirmed that this level of use appeared consistent with the data available to the Council, although it is appreciated that occupancy is sometime difficult to determine by external survey.

The Trathen development subject of application 12/02008/FUL referred to in letters of representation is beyond the 100m range of the application site.

The proposed change of use would not result in a HMO percentage above 25% threshold outlined in the draft SPD. In this respect the proposal is therefore considered to be acceptable on the character of the area.

Residential Amenity

The dwelling is a modest size, with gross floor area in the region of 115m² when including the loft conversion. 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 5 states: 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 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 6.5m². The proposed bedrooms are all larger. All rooms received a good level of natural light.

A communal kitchen-diner-lounge is proposed on the ground floor. The 'possible' fourth bedroom on the ground floor would be adjacent to the communal area and therefore appropriate sound insulation between these rooms would be required. A bathroom on the first floor is proposed, although it is understood that the property has an outside toilet.

There is considered to be an adequate amount of communal living space, washrooms and an adequate sized kitchen for the proposed number of occupiers. The sizes and level of day light for the property are considered provide an adequate standard of living. There would be little if any external change and therefore the proposal would have little impact on the visual amenity of the area.

The residents of the dwelling would have access to a rear area which would provide adequate outdoor amenity space for limited recreation, hanging washing. There would also be adequate room for bin storage and cycle storage in the front or rear.

Impact on neighbouring properties

The occupation of the property by up to 4 occupiers, on a shared-dwelling basis, would be likely to generate more comings and goings, and therefore some additional disturbance to neighbouring occupiers. This is considered to be a valid additional reason for opposing this application, but on balance officers consider that the impact would not be significant enough to recommend refusal of this application.

Highway/Transport Considerations

The application form indicates that no off-street parking spaces exist and would be retained at the property. The site visit confirmed that the rear garden level is higher than the service room level and therefore ground level would need to be lowered to accommodate parking within the site.

The maximum parking standards for HMOs set out in the SPD is one space per two occupiers and as such the proposal falls short of this. The Transport consultation comments will be detailed in an addendum report but the initial indication is that no objection will be raised on the basis of the relatively inconsequential change from the parking demand generated by the existing use.

Concern has been raised in letters of representation about the impact on traffic and parking, but in the absence of objection from the Transport officer, it is considered that a refusal on transport grounds may be difficult to sustain at appeal. Parking spaces, and cycle storage spaces (that could be secured by condition), mean that in the context of this property, the proposal is considered to comply with policy CS28. Further details of the layout of a minimum of two bicycles to be securely stored within the site (or further details on the off-street car parking arrangement proposals) in line with SPD guidance in terms of visual impact and access is recommended to be secured by condition.

As a result of the planning application, the property will be excluded from the resident parking scheme.

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. Using the calculator created for this purpose, this development would generate a total of approximately £959 in New Homes Bonus contributions for the authority if approved over a 6 year period. However, this calculator does not take account for the fact that a change of use does not necessarily imply that the Valuation Officer will re-band the property and is not adjusted for the potential reduction in Council Tax applied to student properties. It is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Other considerations

Policy CS15 indicates that only dwellings where the gross floor area is more than 115m² are suitable for conversion, however this policy was written prior to the Article 4 Direction and relates to HMOs for more than 7 or more people. Policy CS15 also refers to the decent standard of accommodation and the impact on the character of the area having existing number of converted and non-family dwellings in the vicinity. Further guidance on this is provided in the draft SPD, as detailed above.

The applicant has been invited to submit a management plan in order to support their application which could be secured by condition. This could include arrangements for refuse collection and noise control.

Although no significant work is proposed to the property as part of the scheme, some work may be required to achieve cycle storage and therefore the hours of construction and demolition recommended by the Public Protection Unit is recommended to be added to cover this.

The applicant has stated that they would be willing a temporary consent for 4 years to cover the time that their daughter is at university and either sell or rent the property to a family after that time. Temporary consents are not generally applied to change of use application unless exceptional circumstances apply.

With regard to the recent planning application for the old Royal Eye Infirmary this planning application was withdrawn without a decision being made.

Issues raised in letters of representation have been discussed above, with the exception of property value which is not a material planning consideration.

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

N/A

Equalities & Diversities issues

No further issues.

Conclusions

For the reasons given in this report the proposal is considered to comply with the relevant policies and guidance and is therefore recommended for approval subject to the provision of secure cycle storage.

Recommendation

In respect of the application dated **28/01/2013** and the submitted drawings site location plan, annotated floor plans, 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) This permission relates to the following approved plans: site location plan, annotated floor plans .

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.

OCCUPATION RESTRICTION - STUDENT ACCOMODATION

(3) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy 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 planning application for consideration on its merits.

BEDROOMS

(4) No more than 4 rooms at the property shall be used as bedrooms. Only the rooms annotated as bedrooms on the approved floor plans 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 shown in the application and is considered to be the maximum that can reasonably be accommodated at the site. The 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.

MANAGEMENT

(5) Prior to the commencement of the use hereby approved, a management plan for the operation of the accommodation, which shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to the Local Planning Authority for approval in writing. The approved management plan shall thereafter be adhered to strictly at all times.

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, in accordance with policies CS15, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Plymouth's adopted Development Guidelines Supplementary Planning Document 2010.

REFUSE STORAGE

(6) Prior to the commencement of the use hereby approved, space shall be laid out within the site for refuse storage in accordance to details previously submitted to the Local Planning Authority for approval in writing and shall remain available at all times 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 adequate facilities in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(7) Prior to the commencement of the use hereby approved, space shall be laid out within the site for 2 bicycles to be securely parked in the rear garden in accordance with details submitted to the Local Planning Authority for approval in writing and this cycle storage space shall remain available at all times for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

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.

HOURS OF CONSTRUCTION AND DEMOLITION

(8) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

INFORMATIVE: RESIDENTS PERMIT PARKING SCHEME

(1) The property lies within a resident permit parking scheme which is currently oversubscribed. As such, the property will be excluded from obtaining permits and visitor tickets for use within the scheme.

INFORMATIVE - MANAGEMENT PLAN

(2) With regard to the management plan, it is recommended that there is an appropriate selection process for tenants and that an appropriate anti-social behaviour clause is included in the tenancy agreement so that any anti-social behaviour or noise nuisance created by the tenants can be adequately addressed. Should a noise nuisance be created at the property, then action may be taken in line with statutory nuisance provisions under the Environmental Protection Act 1990.

INFORMATIVE: PRO ACTIVE WORKING

(3) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: standard of accommodation and the impact on the amenity of future occupants, impact on neighbour amenity, impact on the character and appearance of the area, and transport and parking aspects, 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 (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, as follows:

- CS34 - Planning Application Consideration
- CS01 - Sustainable Linked Communities
- CS15 - Housing Provision
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012