

PLANNING APPLICATION REPORT



ITEM: 06

Application Number: I3/00198/FUL

Applicant: Mr John Smith

Description of Application: Change of use from house in multiple occupation for 7 students to 5-non students

Type of Application: Full Application

Site Address: 83 STUART ROAD PLYMOUTH

Ward: Stoke

Valid Date of Application: 07/02/2013

8/13 Week Date: **04/04/2013**

Decision Category: Member/PCC Employee

Case Officer : Mike Stone

Recommendation: Grant Conditionally

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This application has been referred to Planning Committee because the applicant is a Councillor.

Site Description

83, Stuart Road is a two-storey mid-terraced property located in the Stoke neighbourhood. The terrace is on a busy classified road running to Devonport and Stoke. The street is not part of a Controlled Parking Zone and there is parking in front of the houses but, given the fact that many properties have been sub-divided, these spaces fill up quickly outside of working hours. There is a narrow service lane behind the terrace that provides access to a rear garage.

Proposal Description

Change of use from house in multiple occupation (HMO) for 7 students to 5-non students.

Pre-Application Enquiry

Post-refusal meeting. Officers advised that to lessen the impact of a move to non-student use it would be necessary to reduce the number of occupants from 7 to 5 and to address the issue of car parking.

Relevant Planning History

07/01097/FUL- Continue use as house in multiple occupation, with alterations – Grant conditionally. Condition (1). The occupation of the accommodation hereby permitted shall be limited to students in full-time education only.

11/00229/FUL - Removal of condition no.1 of planning permission 07/01097/FUL, relating to student only use, so that occupation no longer restricted to students – Refuse.

12/01451/FUL - Change of use from student HMO to single family dwelling – Withdrawn.

Consultation Responses

Transport –no objections subject to two conditions. The first should state that the building shall not be occupied until space has been laid out within the site for up to 5 bicycles to be securely parked. The second that the building shall not be occupied until the car parking area has been drained and surfaced, and that area shall not be used for any purpose other than the parking of vehicles.

Public Protection Service – recommend approval subject to conditions and an informative. One condition and the informative relates to a management plan for the operation of the property to prevent nuisance and anti-social behaviour. The other condition requires the adoption of a code of conduct for hours of construction and demolition.

Representations

None received.

I. Analysis

I.1. The application turns upon policies CS28 (Local transport considerations) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document (SPD) (2010), and the National Planning Policy Framework. The primary planning consideration in this case is parking demand management and highway safety.

I.2. In 2007 consent was granted for the use of the property as a 7 bedroom house in multiple occupation with a condition that it should only be used by students in full-time education. Following a history of anti-social behaviour problems at the property involving the tenants the applicant sought to move out of the student market. An application was made to remove the student only condition. This was refused on the grounds that there was inadequate provision made for off-street parking and approval would have resulted in damage to amenity, would have prejudiced public safety and would have interfered with the free flow of traffic on the highway.

I.3. Post-refusal discussions were held at which it was agreed that for an application for non-student use to succeed it would be necessary to reduce the number of occupants from 7 to 5 and to provide two off-street parking spaces.

Parking demand management and highway safety.

I.4. The current application provides two parking spaces at the rear of the property accessed from the rear service lane. The Development Guidelines SPD requires 1 space per 2 rooms for a private HMO which would equate to 2.5 spaces in this case. These are maximum standards and given the 100% over-provision of cycle storage (5 spaces proposed instead of 2.5 at a rate of 1 per 2 rooms) the Transport and Highways Department consider it acceptable to 'round down' the parking offer to 2 spaces.

I.5. In the case officers' opinion the site is felt to be a sustainable location as it is within walking distance of local services and the city centre and is well served by public transport so non-car based travel should be self-promoting.

I.6. Should planning permission be granted it would not be possible for the consent to state that the property should only be occupied by non-students. It would be for the landlord to determine the makeup of his tenants.

I.7. 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.

2. Section 106 Obligations

2.1. Not applicable.

3. Equalities & Diversities issues

3.1. None.

4. Conclusions

4.1. The application is recommended for approval.

Recommendation

In respect of the application dated **07/02/2013** and the submitted drawings Location plan, existing parking layout, proposed parking layout, existing lower ground floor layout, proposed lower ground floor layout, existing ground floor layout, proposed ground floor layout, existing first floor layout, proposed first floor layout, 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: Location plan, existing parking layout, proposed parking layout, existing lower ground floor layout, proposed lower ground floor layout, existing ground floor layout, proposed ground floor layout, existing first floor layout, proposed first floor layout.

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

(3) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for up to 5 bicycles to be securely parked. The secure area for storing bicycles 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:

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.

CAR PARKING PROVISION

(4) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, 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.

HOURS OF CONSTRUCTION AND DEMOLITION

(5) 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.

MANAGEMENT PLAN

(6) Within one month of the date of this decision notice, a management plan for the operation of the accommodation hereby approved, 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. The management plan shall thereafter be adhered to strictly at all times.

Reason: In the interests of neighbourhood amenity 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 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Plymouth's adopted Development Guidelines Supplementary Planning Document 2010.

INFORMATIVE: MANAGEMENT PLAN

(1) 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: PROACTIVE WORKING

(2) 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 [including pre-application discussions] and has granted 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: parking demand management and 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 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

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012