

# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** 13/01477/FUL

**Applicant:** Mr Paul Rainford

**Description of Application:** Change of use of care home to 10-bed house in multiple occupation

**Type of Application:** Full Application

**Site Address:** 63 HADDINGTON ROAD PLYMOUTH

**Ward:** Devonport

**Valid Date of Application:** 06/08/2013

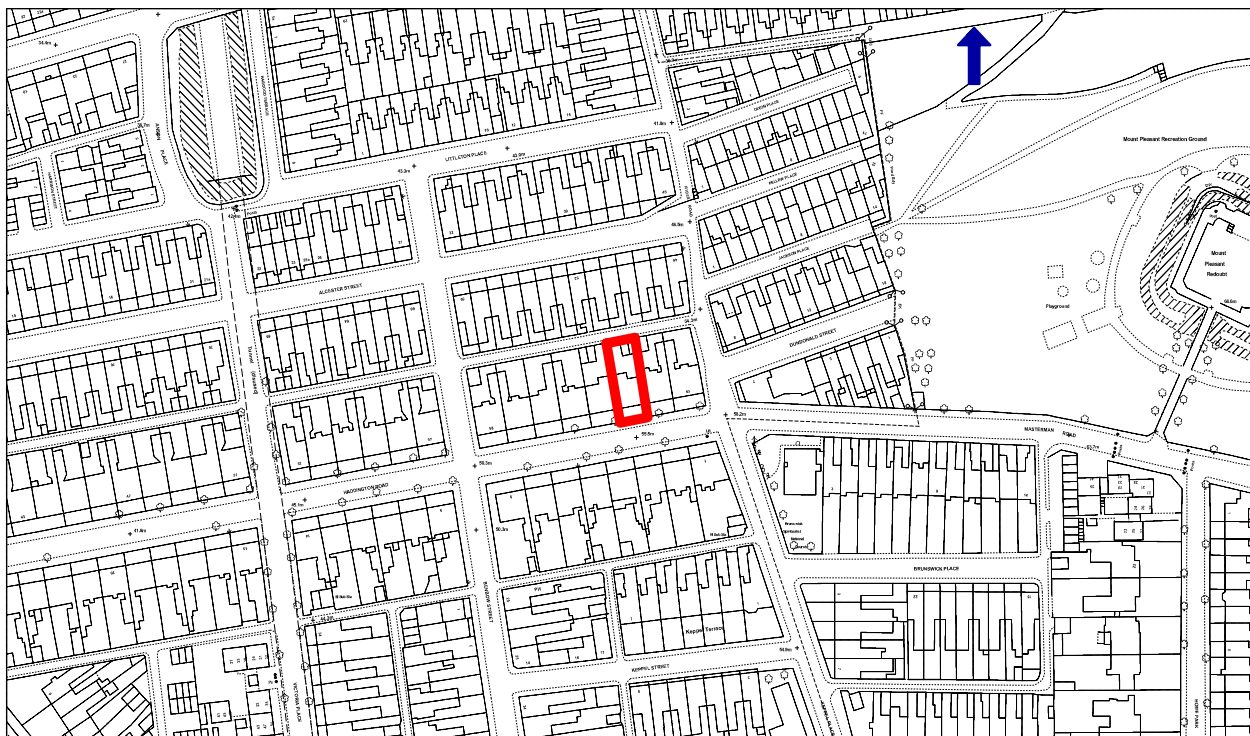
**8/13 Week Date:** **01/10/2013**

**Decision Category:** Member Referral

**Case Officer :** Olivia Wilson

**Recommendation:** Grant Conditionally

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## **OFFICER'S REPORT**

This application has been called in to Planning Committee by Councillor Bill Stevens.

### **Site Description**

63 Haddington Road is a large, mid-terraced period property with a rear service lane within the Stoke area of the city. Its former use was a residential home for the deaf (known as Badger's Holt), but it has been vacant for about one year.

### **Proposal Description**

Change of use of care home to 10-bed house in multiple occupation

### **Pre-Application Enquiry**

The Council's advice was that the principle of use as an HMO was likely to be suitable, but that a minimum of three off-street parking spaces would need to be provided to the rear of the property, and a management plan for the property would be required.

### **Relevant Planning History**

91/01561/OUT - Conversion of roof space to form ancillary accommodation to residential home – permitted.

88/00511/FUL - Extension to dwelling house – permitted.

88/00758/FUL - Change of use of dwelling house into residential home for the elderly - permitted.

### **Consultation Responses**

The Highway Authority notes that as a minimum, three parking spaces should be provided to the rear of the property. The revised plans show three spaces (a double garage and a hard-standing). Therefore, the Highway Authority's objection has been withdrawn. The car parking spaces and cycle parking can be conditioned to ensure that they remain for their intended purpose.

The Private Sector Housing Service states that the proposal would create a licensable HMO which would require an HMO license from the Council.

The Public Protection Service has no objection to this application but recommends a condition to require a management plan to be implemented for the property.

### **Representations**

8 letters of representation have been received. They raise the following concerns:

- there are too many HMOs and sub-divided properties in the street and this proposal will be detrimental to the character of the area;
- a 10-bed HMO is too many people for the dwelling;
- it will lead to problems of parking, rubbish and noise;
- the management plan is insufficient to ensure that the property is properly maintained.

## **Analysis**

1. The proposal is to convert the existing 9-bed residential home into a 10-bed HMO. This will be achieved by creating an additional bedroom in the converted loft. An existing conservatory at the rear will be converted to a cycle store. There is a double garage to the rear which is proposed to be retained, and an enclosed amenity area. There are no external changes to the property proposed.
2. The main planning considerations with this application are: principle of change of use; parking, standard of accommodation and impact on residential amenity. The key policies are: CS34, CS15, CS28 and the Development Guidelines SPD as well as the National Planning Policy Framework.
3. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

## **Principle of change of use**

4. The property is located outside the designated 'Article 4 direction' area which reflects the fact that the area has a low number of student (Council-tax exempt) HMOs. Concern has been raised about the number of HMOs and subdivided properties in the area. A visual inspection of the residential block where No. 63 is located (between Keppel Place and Benbow Street) would suggest that 8 out of the 10 properties on the northern side of the street are subdivided in flats, whereas only one of the properties on the southern side of the street are. No. 63 is on the northern side of the street. The existing use of No. 63 is a residential home, so this also has the character of a subdivided property rather than a family home.
5. Officers consider that the principle of change of use is acceptable in this location as there are no other known HMOs in the near vicinity (self-contained flats do not count as HMOs), and it would not involve the loss of a family dwelling. It is therefore considered to be in conformity with Policy CS15. Officers also note that the proposal is for a general HMO rather than a student only HMO. Given the distance of the property from the University, it is unlikely to attract student occupiers.

## **Parking**

6. The property currently has a double garage to the rear which provides two useable off-street car parking spaces. However, a 10-bed HMO is likely to generate more car use, especially as the property is located at some distance from the City Centre. The Highway Authority has requested a minimum of 3 off-street spaces to reduce pressure on on-street parking. Concerns have been raised about the pressure on on-street parking in the area.
7. Normally, garages are not recommended as provision for off-street parking as they are often used for storage. However, in this case Officers consider

that the garage is in a useable condition and would provide secure parking provision. The plans have been revised to create a hardstanding to the side of the garage for a third vehicle. Officers consider that the provision of a hardstanding can be conditioned to ensure that it is made available before the HMO is occupied. The use of the garage for car parking can also be conditioned.

8. It is noted that cycle parking provision would be made within the rear conservatory, and bins would be stored within the rear yard. It has been pointed out that recycled waste is collected from the front of the property. In order to encourage recycling, storage should be provided for recycling bins at the front. This can be conditioned.

#### **Standard of accommodation**

9. Officers note that the property would require an HMO license because of the number of bedrooms and the fact that it extends over three floors. Officers are satisfied that this would ensure an adequate level of accommodation for occupiers. The property also benefits from a rear amenity space. All of the proposed bedrooms provide adequate space for occupiers and there are adequate communal facilities.

#### **Impact on residential amenity**

10. Officers note the concerns raised about noise, poor maintenance and anti-social behaviour associated with HMOs. While these concerns are understandable, they can be addressed through proper management of the property. A management plan has been submitted with the application. This covers the following commitments: to provide relevant notices; a contact number for maintenance issues; provision for quarterly planned inspections and cleaning of communal areas; proper maintenance of fire safety equipment; control over management of refuse bins; a policy on dealing with anti-social behaviour. The implementation of an up to date management plan can be requested by condition.

#### **Human Rights**

11. 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.

#### **Local Finance Considerations**

12. The proposal is not subject to a S106 obligation.
13. 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. This development will generate a total of approximately £8,634 in New Homes Bonus contributions for the

authority. However, 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.

14. The provisional Community Infrastructure Levy liability (CIL) for this development is £7,500. This information is based on the CIL form submitted with the application and subsequent email from the agent confirming that the property has been vacant for at least 12 months.
15. A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. The applicant should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance. It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

### **Equalities and Diversities**

16. HMOs provide affordable accommodation within the City.

### **Conclusions**

17. It is recommended to grant conditional approval on the considerations that the application is acceptable in terms of the principle of change of use, highways and parking, standard of accommodation, and residential amenity.

### **Recommendation**

In respect of the application dated **06/08/2013** and the submitted drawings 2556 1 Floor plans as existing; 2556 2 Floor plans as proposed, Site location plan; management plan, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **APPROVED PLANS**

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2556 1 Floor plans as existing; 2556 2 Floor plans as proposed Rev A, Site location plan; Management plan.

#### **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.

#### DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2) 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.

#### PROVISION OF PARKING AREA

(3) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the HMO is first occupied and thereafter that space shall not 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) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 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.

#### STORAGE OF RECYCLING BINS

(5) The building shall not be occupied until space has been laid out within the front garden for the provision of an enclosed area for the storage of recycling bins in accordance with details to be submitted to and approved in writing by 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.

#### MANAGEMENT OF STUDENT ACCOMMODATION

(6) Within one month of the occupation of the accommodation 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 and approved in writing by the Local Planning Authority. The 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 CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INFORMATIVE: (1) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

**INFORMATIVE: POSITIVE AND 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 and has imposed planning conditions to enable the grant of planning permission.