

# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** I4/00068/FUL

**Applicant:** Roper James Investments Ltd

**Description of Application:** Alterations to existing 8 bedroom house in multiple occupation (HMO) to 10 bedroom HMO.

**Type of Application:** Full Application

**Site Address:** 49 HOUNDISCOMBE ROAD PLYMOUTH

**Ward:** Drake

**Valid Date of Application:** 23/01/2014

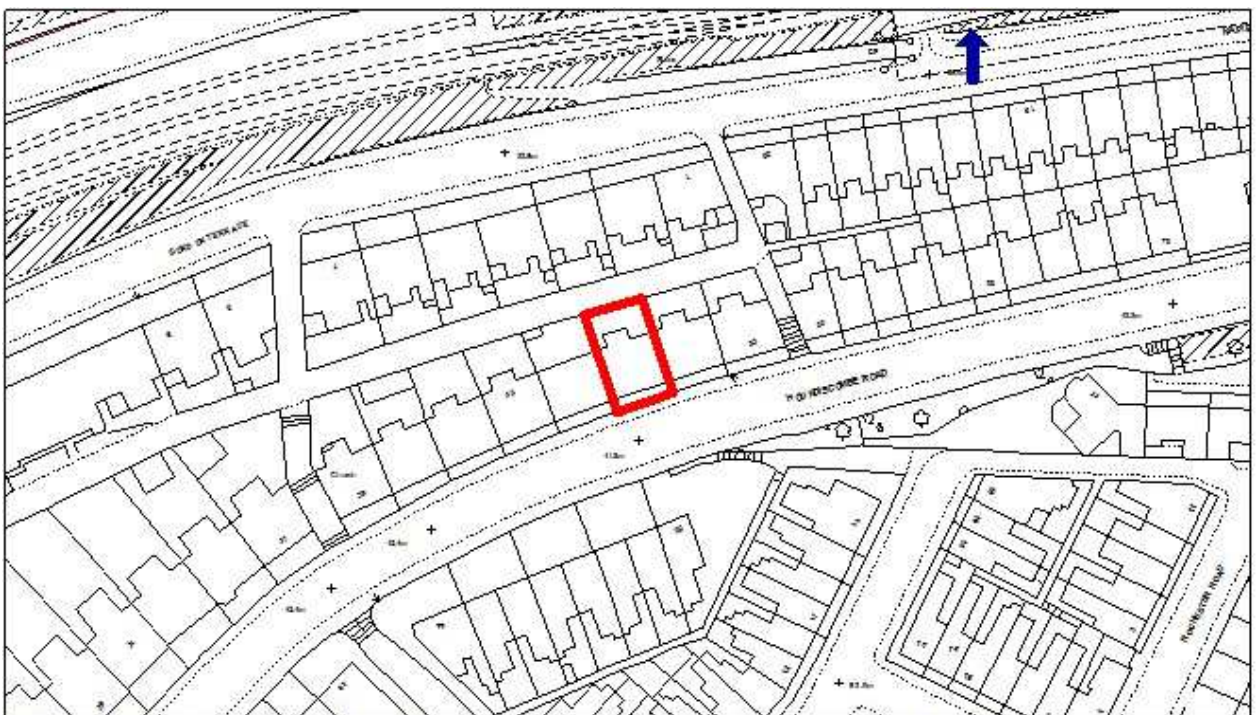
**8/13 Week Date:** **20/03/2014**

**Decision Category:** Member Referral

**Case Officer :** Liz Wells

**Recommendation:** Grant Conditionally

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

### **Site Description**

49 Houndiscombe Road is a mid-terraced period property located close to Mutley Plain. The property is in use as student accommodation – house in multiple occupation (HMO) – with 8 letting rooms arranged over three floors, a communal kitchen and lounge on the ground floor.

The adjoining neighbours appear to be used as a dentist surgery (no. 51) and an HMO (no. 47).

### **Proposal Description**

Alterations to existing 8 bedroom house in multiple occupation (HMO) to form a 10 bedroom HMO.

The proposal involves alterations to the lower ground floor to create an additional 2 bedrooms. These lower ground floor rooms are currently used to house the boiler and electric meter with an inter-connecting open-doorway. The alterations include blocking up the internal doorway, formation of a new window to the front served by a light well and alteration to the existing rear door and window to a window. The boiler is proposed to be re-located to the existing coal-house, along with space for cycle storage in this and the adjacent outside w.c. It is proposed to refurbish parts of the property, including replacing the windows with uPVC, and internal alterations to improve the shower, toilet and utility facilities. Existing steps rising from rear garden to the (upper) ground floor level are proposed to be removed and wall made good. The former back door has already been replaced by a window to provide light for the lower ground floor hallway. The internal stairs will continue to provide access from the house to the garden.

### **Pre-Application Enquiry**

Pre-application advice was sought by the applicant for the proposed scheme (13/02287/MIN).

### **Relevant Planning History**

04/00737/FUL - Change of use and conversion from dentist surgery to student accommodation – GRANTED CONDITIONALLY

### **Consultation Responses**

Local Highways and Transport - There is no objection to the proposal. A residents' parking scheme operates in the area for most of the working day and due to the proposed intensification of use the property would be excluded from the issue of permits within the residents parking zone in accordance with current policy. Cycle parking is proposed at the rear of the property in accordance with current standards and a condition is suggested.

Private Sector Housing - The existing property has an HMO licence. In circumstances where occupancy is to be increased, the licence will require 'variation'. The Private Sector Renting team have provided comments on the site and outlining improvements required to ensure compliance with HMO standards. Comments have been forwarded to the applicant.

### **Representations**

No letters of representation have been received in respect of this application, at the time of writing this report.

### **Analysis**

1. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.
2. 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.
3. The main considerations in assessing this application is the impact on residential character, impact to neighbours, standard of accommodation, transport and parking, and the visual impact of the alterations. The most relevant policies in the Core Strategy are policies CS02, CS15, CS22 and CS34 and the detailed guidelines set out in the Development Guidelines Supplementary Planning Document (SPD) First Review 2013.

#### Impact on residential character

4. The site lies within the Article 4 Direction area which restricts permitted development rights and requires an application for planning permission to be submitted for the change of use from a single dwellinghouse (Use Class C3) to a HMO for 3 to 6 unrelated individuals who share basic amenities (Use class C4). However, this property is already used as a large HMO (referred to as '*sui generis*' meaning not in any Use Class) for 8 students. Permission was granted for this use in 2004, and prior to that time was used as a dentist surgery. In this instance, the proposal does not result in a loss of a family dwelling in this area, and therefore officers do not consider it will result in any change to the mix of housing stock.
5. Officers do not consider the proposed increase in intensity of the use (from 8 to 10 letting rooms) will result in any demonstrable harm to the residential character of the area. The proposal is not contrary to policies CS02 or CS15 which promote sustainable mixed communities and overall housing provision, respectively, nor the thrust of the Article 4 Direction.

### Impact on neighbours

6. The proposed increase in letting rooms is likely to marginally increase the comings and goings from the house and the volume of refuse produced from the property. A management plan has been submitted with the application, setting out how the property will be managed and sets out how anti-social behaviour will be avoided and addressed. There are no records of noise complaints in relation to the existing use and providing the property is managed in accordance with this management plan, officers consider that anti-social behaviour issues will be mitigated.
7. There is adequate outdoor space on site for the storage of refuse and recycling bins. The supporting statements suggests the bins are currently collected and stored to the front of the property but off the highway. At the time of writing this report, no letters of representation have been received in respect of this application. From the site visit, the adjoining neighbours appear to be used as a dentist surgery (no. 51) and an HMO (no. 47).

### Standard of accommodation

8. The proposed additional rooms exceed the minimum size requirements set out in the HMO requirements, and although at lower ground floor level, officers consider that adequate light levels will be achieved from the proposed windows, with the proposed front window being larger than the window serving the existing lower ground floor room. The proposed rooms located below existing bedrooms. To reduce potential for noise disturbance within the dwelling it is recommended that stairwell walls are soundproofed.
9. The existing property has an HMO licence. In circumstances where occupancy is to be increased, the licence will require 'variation'. The Private Sector Renting team have provided comments on the site and outlining improvements required to ensure compliance with HMO standards. Comments have been forwarded to the applicant.

### Transport and Parking

10. A residents' parking scheme operates in the area for most of the working day and due to the proposed intensification of use the property would be excluded from the issue of permits within the residents parking zone in accordance with current policy. Indeed, this should already be the case following the approval of planning permission in 2004. Cycle parking is proposed at the rear of the property within the existing coalhouse and outside w.c.. Officers consider that the dimensions of these will certainly be large enough for 4 bicycles (two in each room). It is noted that no secure cycle parking is currently provided and users may be discouraged to use the proposed cycle storage due to access to the rear service lane down steps and through a gate. Nevertheless, a condition is recommended to secure a minimum of 5 cycle spaces is recommended in accordance with current standards. A further shed or locker may therefore be required to ensure a fifth cycle space is available for use.

### Visual impact

11. The proposal will have a limited visual impact when viewed from the street. The site is not listed and not in a conservation area. The proposed alteration to the windows is in keeping with other properties in this terrace and not considered to result in any demonstrable harm to the streetscene in this instance.

### Other issues

12. It is noted that a recent appeal decision in relation to 55 Houndiscombe Road was dismissed. This appeal decision, in respect of a refusal of the proposed change of use from single dwelling (Use Class C3) to Use Class C4 HMO (3-6 occupiers), was the first to be received by the Council following the introduction of the C4 HMO Article 4 Direction on 14 September 2012. The Inspector agreed with the Council that more than 25%, but less than 90%, of nearby properties were already in multiple occupation, and that to permit an additional one would therefore be prejudicial to social cohesion and community wellbeing, contrary to Core Strategy Policies CS01 and CS15, and Supplementary Planning Guidance on the subject. The Inspector also concluded that the proposed C4 HMO would result in more comings and goings at the property, than if used as a single dwelling, and that this would be harmful to the amenity of neighbouring residents. The appeal was therefore dismissed. This decision is not considered to influence the assessment of the current proposal as the property is already in use as an HMO and the increase in intensity from 8 to 10 occupants is not considered to be harmful.
13. 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**

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 does not account for properties over 5 bedrooms, but the increase in bedrooms generally increases the Council Tax by one band, suggesting 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.

No S106 obligation or CIL payment is applicable under the current charging schedule.

### **Equalities and Diversities**

None.

### **Conclusions**

The proposal will involve a marginally more intensive use of the property but not to an extent that officers consider could be harmful. Therefore, the proposal is recommended for approval, subject to conditions. Conditions recommended include: operation in accordance with the submitted management plan, cycle storage to be provided and limiting the number of bedrooms to the 10 applied for.

### **Recommendation**

In respect of the application dated **23/01/2014** and the submitted drawings site location plan, existing floor layout plans, proposed floor layout plans including cycle storage, rear yard external plan, existing and proposed elevations and accompanying management plan and planning supporting statement and photographs, 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, existing floor layout plans, proposed floor layout plans including cycle storage, rear yard external plan, existing and proposed elevations.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

#### **CYCLE PROVISION**

(3) The additional bedrooms hereby approved shall not be occupied until space has been laid out within the site for 5 no. bicycles to be securely parked. The secure and covered 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, and paragraph 32 of the National Planning Policy Framework 2012.

#### BEDROOMS

(4) No more than 10 rooms at the property shall be used as bedrooms. Only the numbered rooms 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 PLAN

(5) The management plan for the operation of the accommodation, including the 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 a commitment to keep this information up to date, submitted to the Local Planning Authority on 22 January 2014 shall be adhered to strictly at all times, unless otherwise agreed in writing by the Local Planning Authority.

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.

#### INFORMATIVE: NOISE DISTURBANCE

(1) To reduce potential for noise disturbance within the dwelling it is recommended that stairwell walls are soundproofed.

#### INFORMATIVE: CYCLE PROVISION

(2) The attention of the applicant is drawn to the condition for a minimum of 5 secure and covered cycle parking to be provided before the two additional rooms are occupied. The approved plans show cycle parking to be provided within the existing coalhouse and outside w.c.. Officers consider that the dimensions of these will certainly be large enough for 4 bicycles (two in each room). A further shed or locker may therefore be required to ensure a fifth cycle space is available for use.

**INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(3) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

**INFORMATIVE: CONDITIONAL APPROVAL**

(4) 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 with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

**INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

(5) The applicant should be made aware that the property lies within a resident parking permit scheme. In accordance with current Policy the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.