

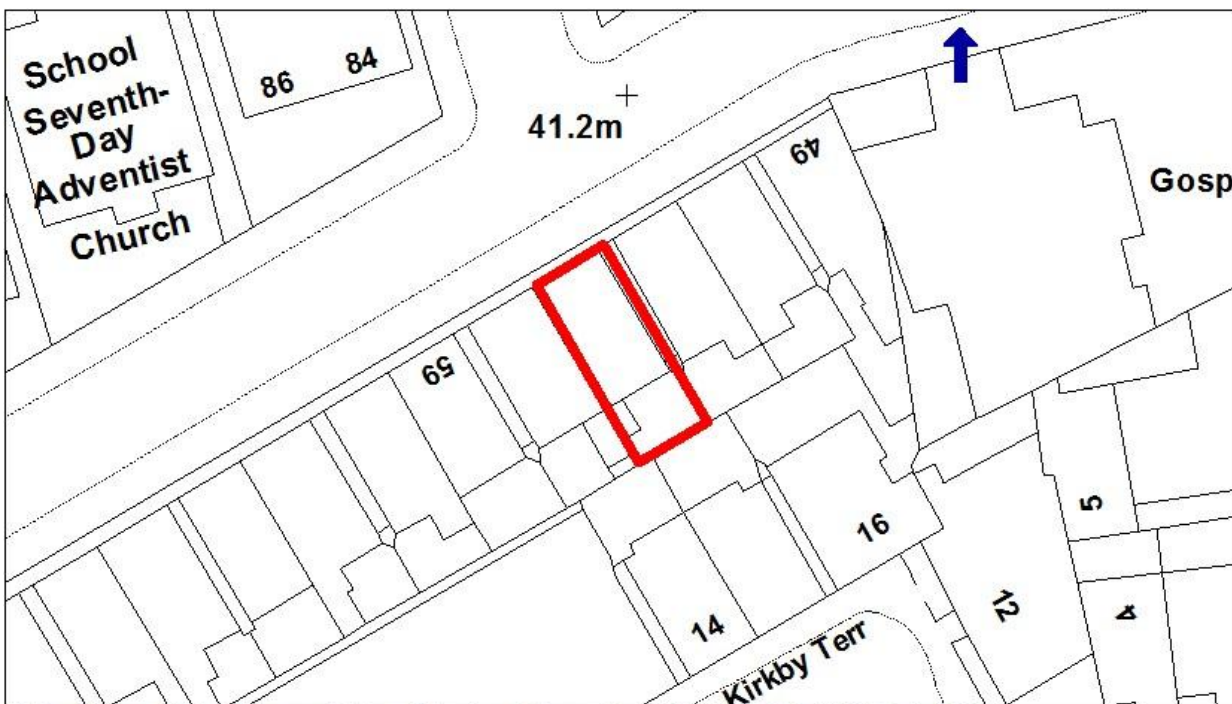
# PLANNING APPLICATION REPORT



<b>Application Number</b>	14/00969/FUL	<b>Item</b>	03
<b>Date Valid</b>	02/06/2014	<b>Ward</b>	Drake

<b>Site Address</b>	55 NORTH ROAD EAST PLYMOUTH		
<b>Proposal</b>	Rear extension and internal alterations to create two additional bedrooms in existing student HMO		
<b>Applicant</b>	Mr Dean Tucker		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>28/07/2014</b>	<b>Committee Date</b>	<b>Planning Committee: 17 July 2014</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Mike Stone		
<b>Recommendation</b>	Grant Conditionally		

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2014 Scale 1:500

**This planning application has been called to Planning Committee by Councillor Ricketts.**

### **1. Description of site**

55, North Road East is a two storey mid-terraced property with accommodation in the roof space and a small rear extension and courtyard. The property backs on to the buildings of the campus of Plymouth University. The site is located in the Mutley and Greenbank neighbourhood and is within the boundaries of the City Centre and University Area Action Plan.

### **2. Proposal description**

Rear extension and internal alterations to create two additional bedrooms in existing student HMO.

### **3. Pre-application enquiry**

14/00792/MIN - A rear single storey extension and internal alterations to create a 7 bedroom student House in Multiple Occupation (HMO) from an existing 5 bedroom HMO, this is the same proposal as the current application. On balance it was not considered that the addition of two more bedrooms would generate sufficient extra comings and goings to have an adverse effect on neighbour amenity, assuming that the additional accommodation could meet the necessary standards. Approval of the application would enable the planning authority to strengthen controls on the property by restricting its use to full time students, introducing a management plan and limiting the number of bedrooms. For these reasons any application that met the above conditions would be likely to be acceptable. No Transport consultation response was received within the time frame requested by the applicant.

### **4. Relevant planning history**

None.

### **5. Consultation responses**

Public Protection Service – recommend approval subject to the addition of management plan and working hour's conditions.

Transport and Highways – no objections, a condition requiring the provision of secure storage for 2 cycles and an informative advising the applicant that the development will be excluded from the residents parking permits scheme has been recommended.

Private Sector Housing – no specific comments, guidance provided on meeting the HMO Licencing Standards.

### **6. Representations**

One letter of objection has been received that complains of overdevelopment.

### **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SPD First Review (May 2013).

## 8. Analysis

1. 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 policy CS02 (Design), CS22 (Pollution), CS28 (Local transport considerations) and CS34 (Planning application considerations) City Centre and University AAP 2010 and is considered to be compliant with National Planning Policy Framework guidance.

2. Is the development acceptable in principle?

The area is residential in character and close to the university and city centre facilities. Information from the council's licensing section shows that the house was first registered as a HMO in 2006 so the provisions of the Article 4 Direction would not apply.

3. Is the design acceptable?

The primary planning considerations in this case are the impact on neighbour amenity, the residential amenity of future occupants and transport and highway considerations.

#### **4. Impact on neighbour amenity**

The neighbour to the west, no. 57, is also a licensed HMO and has its own single storey rear extension so in the case officers' opinion there would be no concerns in terms of loss of light and privacy here. The neighbour to the east is separated from the subject property by the width of a private footway between the houses. This, combined with the high boundary wall, removes the scope for any adverse impact in the opinion of the case officer. The rear of the property faces the back of university buildings in Kirkby Terrace so officers consider there would be no impact here. It has long been recognised that HMOs can have a detrimental impact on amenity in terms of noise, anti-social behaviour, street parking and poorly maintained properties. The property has been in use as a 5 bedroom HMO and the issue to consider is whether an increase by two occupants generate significantly more comings and goings than the current use. On balance it is officer's view that given the location an additional two persons would not have an adverse impact on neighbour amenity. In order to mitigate any possible concerns a management plan condition has been recommended to control the future operation of the accommodation and to help address any anti-social issues that may be created by future tenants. A copy of this management plan will be required to be submitted to the Local Planning Authority within one month of any positive planning decision.

#### **5. The plan should include the following:**

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 and its amenity areas. Details to be circulated to neighboring properties.

A commitment to keep the above information up to date.

Outline detail of tenant selection process.

Anti-social behaviour clause detail.

#### **6. Residential amenity of future occupants**

The property is already a licensed House in Multiple Occupation. Planning policy does not specify minimum standards for bedrooms but all 7 bedrooms are larger than the 6.5 sq. metre standard set out in the guidance for the Licensing of Housing Multiple Occupation which relates to Housing legislation.

Bedroom 1 is 16 sqm

Bedroom 2 is 14 sqm

Bedroom 3 is 7 sqm

Bedroom 4 is 15 sqm

Bedroom 5 is 12 sqm

Bedroom 6 is 14 sqm (new)

Bedroom 7 is 11 sqm (new).

#### **7. A communal kitchen and lounge area are proposed on the ground floor. There is a small rear courtyard that could be used for bin and secure cycle storage. A condition restricting the number of bedrooms to 7 and limiting the use to students in full time education is recommended. The remaining area of amenity space left would be less than the figure recommended in the SPD, but officers feel that this could help to reduce the scope for anti-social behavior and disturbance to neighbours. There is also a public park nearby at Drakes Place.**

## **8. Transport and Highway considerations**

The property is within easy walking distance of Plymouth University, the city centre and the railway station and is in what would be considered to be a sustainable location. It is also well served by a number of public transport routes running along North Road. The Transport and Highways department have raised no objections to the scheme but have asked for one condition and informative to be added. The condition requires the provision of secure storage for 2 cycle and the informative excludes the property from the residents and visitors parking permit scheme that operates in the area.

## **9. Human Rights**

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.

## **10. Local Finance Considerations**

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

## **11. Planning Obligations**

Not applicable.

## **12. Equalities and Diversities**

None.

## **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework Core Strategy 2007; the Development Guidelines SPD and the Design SPD and is considered to be compliant with the National Planning Policy Framework guidance. The application would not have an adverse impact on the character of the area or neighbour amenity and it is recommended for approval subject conditions limiting the occupation to students in full time education, the number of bedrooms to seven, a code of conduct for construction, secure storage for 2 cycles and the adoption of a management plan to control the use of the property.

### 13. Recommendation

In respect of the application dated **02/06/2014** and the submitted drawings Site location plan, block plan, I, it is recommended to: **Grant Conditionally**

### 14. 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: [insert plan numbers].

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.

### Pre-occupation Conditions

#### MANAGEMENT OF STUDENT ACCOMMODATION

(3) Within one month of the date of this decision notice, 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, and paragraph 123 of the National Planning Policy Framework 2012.

#### CYCLE PROVISION

(4) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for 2 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, and paragraph 32 of the National Planning Policy Framework 2012.

## STUDENT ACCOMMODATION

(5) 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, and paragraph 61 of the National Planning Policy Framework 2012, but its occupation by any other persons would need to be the subject of a further planning application for consideration on its merits.

## Other Conditions

### HOURS OF WORK

(6) Because the proposed development involves potentially noisy and disruptive activities and to mitigate any effect of site works on nearby residents, the hours of construction and demolition will be controlled. No construction or demolition work will be carried out between 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours Saturdays. No work will be permitted on Sundays or Bank Holidays

Reason:

To assist in protecting the residential amenities of the area, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## Informatives

### INFORMATIVE: CONDITIONAL APPROVAL (1)

(1) 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 imposed planning conditions to enable the grant of planning permission.

### INFORMATIVE: (2) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) 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: RESIDENT PARKING PERMIT SCHEME

(3) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.