

PLANNING APPLICATION REPORT



Application Number	14/01685/FUL	Item	6.4
Date Valid	05/09/2014	Ward	Compton

Site Address	9 TO 10 ERMINGTON TERRACE PLYMOUTH		
Proposal	Change of use from DI (Clinic) to HMO and provision for new windows in rear tenement		
Applicant	The Harbour Centre		
Application Type	Full Application		
Target Date	31/10/2014	Committee Date	Planning Committee: 09 October 2014
Decision Category	Member Referral		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by Councillor Ball

1. Description of site

9-10 Ermington Terrace is a mid- terraced unit located in the Mutley area of the city. At present the unit is currently utilised by the Harbour Centre which provides a drug and alcohol recovery service

2. Proposal description

Change of use from D1(Clinic) to a 9 bedroom HMO and provision for new windows in rear tenement

3. Pre-application enquiry

14/00200/MIN- The application should address concerns relating to the management of the facility and the layout prior to submitting a planning application

4. Relevant planning history

03/01593/FUL- Single-storey rear extension to provide additional offices, WCs and store at the Harbour Centre, Grant

02/02016/FUL- Variation of condition 03 of 93/00227 to allow for use of non-obscure glazing in 1st and 2nd floor rear windows, Grant

93/00227/FUL- Change of use of premises from doctors surgery and offices to drug and alcohol advisory centre. Grant

91/01535/FUL- Change of use of ground and first floors from doctors surgery to offices. Grant condition

5. Consultation responses

Local Highway Authority recommends approval subject to conditions

Public Protection Service recommends approval subject to conditions

6. Representations

One letter of representation has been received to date objecting. Consultation ends 7th October

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 1st review

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 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework and National Planning Policy Guidance.

(2) The proposal seeks to change the use from drug and alcohol recovery service (DI) to HMO with associated alterations. The plans illustrate that on the ground floor there will be two bedsits, manager's accommodation and common room with kitchen facilities. At first floor level there will be an additional four bed-sits all with en-suite facilities, kitchenette and office. The second floor will duplicate the first in terms of layout and size.

(3)The applicant advises that the accommodation will be fully supervised and will accommodate those who are in the later stages of recovery thus allowing them to stability and support to move into their own accommodation.

Article 4 Direction

(4)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 Local Planning Authority. It must be highlighted that Article 4 does not apply in this instance. Article 4 specifically looks at the loss of a family dwelling. 9-10 Ermington Terrace is currently a D1 commercial premise and therefore is exempt from the Article 4 Direction.

Standard of accommodation

(5)The SPD states that all habitable rooms should receive adequate amounts of natural daylight and be of a size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance as each room is served by a large window and will accommodate standard sized furniture.

(6)The SPD also states that where possible “stacking” principles should be adhered to with living rooms above living and bedrooms above bedrooms. This proposal complies with this principle and is therefore considered acceptable by officers in terms of layout.

(7)The Harbour Centre is mindful of the concerns highlighted by local residents and have therefore aim to host monthly or exceptional meetings where and issues can be addressed. In addition they have also provided a name and number for all residents to contact the chief executive at any time day or night.

Transport

(8)Whilst the Local Highway Authority would normally require the provision of 5 parking spaces for a HMO application of this nature, given the circumstances of the applicant organisation, whereby it is unlikely that any occupant of the proposed HMO would have access to a vehicle, officers consider that the imposition of a Personal Limitation condition restricting the occupation to clients of the Harbour Centre would provide adequate protection against any future change in ownership which could generate a higher parking demand.

(9)The applicant’s attention is drawn to the fact that the property will be excluded from the Controlled Parking Zone that is in operation within 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

The provisional Community Infrastructure Levy liability (CIL) for this development is £0.

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 £51,804 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.

11. Planning Obligations

Not applicable

12. Equalities and Diversities

No negative impact to any equality group is anticipated. The proposed use is likely to accommodate those vulnerable members of society.

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 policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

13. Recommendation

In respect of the application dated **05/09/2014** and the submitted drawings site locations, 201.004.01,2014.004.02, 2014.004.03,2014.004.04,it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site locations, 201.004.01,2014.004.02, 2014.004.03,2014.004.04

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.

COMMUNITY FORUM

(3)The applicant shall submit details of the community meetings to be approved in writing by the local planning authority prior to the occupation of 9-10 Ermington Terrace. The details shall include: the terms of reference; its composition including representatives for the local residents, ward member/s and other stakeholders; and the frequency, timing, and venue, of forum meetings. The forum shall continue to be operated in the agreed format at all times while the site continues to be used for the approved use unless there are subsequently any variations to the agreed forum details that have been agreed in writing by the Local Planning Authority.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of nearby properties to comply with policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and paragraph 17 of the National Planning Policy Framework 2012.

PERSONAL LIMITATION

(4) The use hereby permitted shall be carried on only by The Harbour Centre (Plymouth) and the permitted dwellings shall be occupied solely by clients of the Harbour Centre (Plymouth). The permission hereby granted shall only remain valid or the period during which the Harbour Centre (Plymouth) is the owner and manager of the premises.

Reason:

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS OF CONSTRUCTION

(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.

Informatives

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(1) 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.

INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you 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 for guidance. Index-linking may also apply.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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 including pre-application discussions and has imposed planning conditions to enable the grant of planning permission.