

PLANNING APPLICATION REPORT



Application Number 15/00012/FUL

Date Valid 07/01/2015

Item 4

Ward Drake

Site Address 19 HILL PARK CRESCENT PLYMOUTH

Proposal Change of use from existing 6 bed HMO to 9 bed HMO

Applicant Mr P Harker

Application Type Full Application

Target Date

04/03/2015

Committee Date

**Planning Committee: 12
March 2015**

Decision Category Member Referral

Case Officer Aidan Murray

Recommendation Grant Conditionally

Click for documents www.plymouth.gov.uk



This Application has been brought to committee by Cllr Ricketts

1. Description of site

19 Hill Park Crescent is an end of terrace property located just off North Hill. The Property is sided by a service lane.

2. Proposal description

The proposal is for a change of use from 6 Bedroom HMO to a 9 Bedroom HMO

3. Pre-application enquiry

14/02239/HOU – Change of Use from 6-9 bedroom – support.

4. Relevant planning history

5. Consultation responses

Local Highway Authority - Approve subject to the removal of the parking permits due to intensification of use.

6. Representations

5 LORs were received. Main concerns:

- Parking
- Waste
- overcrowding

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan- Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document

8. 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.

Planning Application Considerations

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). This property already has permission to be used as a HMO. However, this application is for a change of use from C4 to a larger HMO referred to as 'Sui generis.'

5. The area surrounding Hill Park Crescent is noted as having a proportion of existing HMOs of between 31-60%. The draft SPD states that in Plymouth it is considered that a threshold of 25% is an appropriate ceiling to maintain balanced communities. This figure is the number of buildings that are in HMO use as a percentage of all residential buildings. Changes of use that would result in a concentration of HMOs higher than 25% will normally be resisted. Consideration is given to the concentration of HMOs in the local area, the census output area and at the street level. The current percentages for this area exceeds the 25% threshold however it is noted that this unit will not constitute as a loss of a family dwelling, and given how large the building is it is unlikely to be suitable for use as a family dwelling. Therefore given that the impact upon the character of the area has already changed and exceeded the threshold the proposal is not considered to have a negative impact.
6. 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.
7. Officers do not consider the proposed increase in intensity of the use (from 6 to 9 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
8. A residents' parking scheme operates in the area for most of the working day and due to the proposed intensification of use the whole property would be excluded from the issue of permits within the residents parking zone in accordance with current policy. The Letters of Representation received made comment largely to the increase of parking issues and the existing lack of on street parking. It is felt that this will address the concerns raised with the LORs. There will also be a cycle store located to the rear of the property which is in adherence with CS28.

Design

9. The Supplementary Planning Document (SPD) states that all habitable rooms should receive adequate amounts of natural daylight and be of a minimum size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance. It should be noted that the SPD states that each occupier should have adequate access to amenity space. Whilst there is an enclosed courtyard to the rear it does not comply with minimum standards however given the close proximity to Freedom Fields and the waterfront it is therefore deemed acceptable in terms of amenity space.
10. Overall, it is felt that this application will not only improve the living standards of 19 Hill Park Crescent, it will also not have a detrimental effect on the living standards of other residents in the area. The design and layout has been well thought out and has considered many issues. Officers feel the design and layout of the property improves the efficiency and overall use of the property

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

Not eligible for CIL

11. Planning Obligations

None

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 CS 02 (design) and CS34 (Planning Applications considerations) of the Core Strategy and so should be issued for approval.

13. Recommendation

In respect of the application dated **07/01/2015** and the submitted drawings Existing Floor Plans P695-01, Proposed Floor Plans P695-02 Rev A, 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: Existing Floor Plans P695-01, Proposed Floor Plans P695-02 Rev A

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

PRE-OCCUPATION: 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 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, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: MANAGEMENT PLAN

(4) 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 to protect from any arising noise and nuisance issues that may arise 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.

CONDITION: BEDROOMS

(5) No more than 9 rooms at the property shall be used as bedrooms. Only the rooms labelled "bedroom" on the approved 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 proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed 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, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL

(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: 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.