

# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/01003/FUL	<b>Item</b>	05
<b>Date Valid</b>	02/06/2015	<b>Ward</b>	Drake

<b>Site Address</b>	44 SUTHERLAND ROAD PLYMOUTH		
<b>Proposal</b>	Change of use from doctors surgery into an HMO with disabled access		
<b>Applicant</b>	Dr and Mrs Jim Collier		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>28/07/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 30 July 2015</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Aidan Murray		
<b>Recommendation</b>	Grant Conditionally		

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## **This application has been called to Committee by Cllr Ricketts**

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

44 Sutherland Road is a large corner plot. The doctor's surgery has been decommissioned from use by the NHS since mid-April 2015 and has been lying vacant ever since.

### **2. Proposal description**

The proposal is for an eight Bed HMO with disabled facilities

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

15/00572/MIN – Development Enquiry Service for change of use to HMO from Doctors Surgery - As this property is not currently a family dwelling it is not impacted by the Article 4 Direction. It was felt that an application of this type would be considered by officers as the creation of this HMO is not resulting in a loss of a family dwelling and had the inclusion of disabled friendly bedrooms. Additional provisions should be provided in the form of outdoor amenity areas, bike storage and room sizes before submitting a FUL application.

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

91/00034/FUL – Change of use from dwelling to Doctors Surgery – PERMITTED

92/00416/FUL – Two Storey Extension, Demolition of garage and provision of parking spaces – PERMITTED

04/00450/FUL - Change of use of store building in rear yard to surgery admin office – PERMITTED

### **5. Consultation responses**

Transport – No objections subject to Conditions

Public Protection – Approval Subject to Conditions/Informatives

Public Health – Do not believe the local population are disadvantaged in terms of an offer of GP services

Private Housing – No Objections

### **6. Representations**

A total of 6 letters of Representation were received during the consultation period for this application. The main issues raised were:

Anti-Social Behaviour

Litter and waste collection issues

Impact another HMO will have on the Community

Too many students. Residents feel the area has become a student “ghetto”

### **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 (January 2015) has been subject to a consultation process and representations received are currently being reviewed. 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).

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:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document

## **8. Analysis**

- I. 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 as well as the emerging Plymouth Plan.

2. The main considerations in assessing this application is the impact on residential character, impact to neighbours, standard of accommodation, transport, and parking. The most relevant policies in the Core Strategy are policies CS02, CS15, CS22, CS28, CS31 and CS34.

## Context

3. Sutherland Surgery has recently been decommissioned as a GP's surgery (use class D1) and is seeking permission for a change of use to an 8 bed HMO referred to as 'Sui Generis.' The site does sit with the Article 4 Direction area which restricts the conversion of single dwelling houses into HMOs, however, as this property is a Doctors' Surgery this does not apply.
4. The surgery has recently closed down and has been merged with North Road West Practice. Having consulted with Public Health, officers were advised that with any closure or merger of GP/Doctor Surgeries this would have to be approval by a commissioner within the NHS. Officers have been advised that there are a large number of similar mergers occurring nationwide. Core Strategy Policy 31 states that proposals involving the loss of health care facilities will be permitted only where adequate alternative provision is provided to meet the needs of the community served by the facility. In this instance the Surgery has moved and merged with North Road West Surgery and has seen the patient list move here. It is therefore felt that the proposal is compliant with CS31.

## Planning Applications Considerations

5. In recent years the government has encouraged the conversion of vacant and under used properties in order to make efficient use of the available space. The site which has established disabled access to the property seeks to ensure that there is provision for disabled users in that the ground floor bedrooms are all wheelchair friendly. This adheres to CS34 in that the application site ensures where appropriate equality of access and use for all sections of the community.
6. Core Strategy Policy 15 states that conversions of existing properties into Houses of Multiple Occupation will only be permitted only where the gross floor area of the property is more than 115m<sup>2</sup>, this property measures at 360m<sup>2</sup> which is double the amount stated within the guidance.
7. The proposed bedrooms are all above minimum standards for double room occupancy and receive adequate levels of sunlight. Officers feel that the proposal kitchen, living and dining area is adequate for the proposed use. Having consulted the ward Councillors on this application, it was decided that the kitchen and living area were to be reversed in order to reduce fire hazard potential. With the utility store linked to the kitchen this will provide storage which will result in facilities being located here reducing the overall demand for space within the kitchen. This coupled with having a large dining and living area to allow for additional space there has been no minimum size set for kitchen provisions within HMOs.
8. Officers have acknowledged the concerns of residents within the LORs received and having consulted with the ward Councillors have sought to ensure that a commercial bin will be in place rather than domestic bins. Officers feel that by ensuring the commercial bin being

located on site it will help eradicate waste concerns which have been caused by similar developments within this area.

9. The outdoor amenity area is proposed to the front, side and rear of the property. This provides adequate green space for residential amenity as well as the rear yard of the property which will also provide car parking for the occupants.
10. A management plan condition will be placed on to any granted consent to ensure that there is a named contact for residents to raise any management issues to. This will help to adhere to concerns raised within the Letters of Representation.
11. The emerging Plymouth Plan states that - The need for housing adaptations for Plymouth's rising population of elderly or disabled people, so that more people can live independently and safely in their own homes. Officers feel that as this application has made provision to use the existing disabled access to provide living accommodation for disabled or wheelchair bound occupants on the ground floor. The application is thought to be compliant with this policy and provides an important role ensuring they are able to live independently and safely as stated within the emerging Plymouth Plan.
12. Applications for HMOs in areas where there is already a high concentration of non-family dwellings will be resisted unless demonstration can be made showing the conversion will not lead to or worsen/imbalance communities, amenity or loss of residential character. CS 15 states that conversion of existing properties would be permitted where the accommodation is of decent standard, and where it will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity.

Evidence showing aggregated data including concentrations of Council Tax Exempt Properties as a percentage of Total Properties is 41-50% within the output area. This figure is the number of buildings that are in HMO use as a percentage of all residential buildings. Having compiled a street study of the whole of Sutherland Road officers found that a total percentage of the properties which are Council Tax Exempt, (for example resided by full time students) is approximately 86%. Officers feel that by having 86% of the properties within the vicinity being already converted to HMOs and other Council tax exempt properties there would be no detrimental impact upon the character of the area and is therefore acceptable. The development guidelines Supplementary Planning Document 1<sup>st</sup> Review states that additional HMOs will be permitted in localities where there is already a very high number of existing HMOs. In this instance the locality consists of the area located on the Southern side of the railway bridge at the northern end of Sutherland Road. It is because of this that officers feel the proposal change would be acceptable.

13. The proposal will have car parking for 5 cars which is available within the site which is compliant with CS28 (Local Transport Considerations) in that it adheres to the Council's Car Parking Strategy which set a maximum level of parking provision. In this instance the guideline within the development guidelines of 1 space per 2 occupiers is met and so should provide adequate parking. The proposal will also provide safe and secure cycle storage which is in accordance with the current guidance and is therefore considered acceptable. The property will also be exempt from parking permits due to an intensification of the site.

14. Given the amount of family homes have been converted and has resulted in an area of non-family homes already located on this road, officers are of the opinion that the proposal would not create any detrimental harm on the area.
15. The proposal seeks to provide ground floor accommodation for wheelchair users which comply with CS34 of the Core Strategy and Policy 18 of the emerging Plymouth Plan and helps ensure that disabled people are able to live independently.

### 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

None

### 11. Planning Obligations

None

### 12. Equalities and Diversities

This application will provide ground floor access to wheelchair users and is compliant with CS34 and of the Core Strategy and Policy 18 of the Emerging Plymouth Plan.

### 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 CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations) CS31 (Health Care Provisions) and CS34 (Planning Application Considerations). The proposal provides off road car parking which will not impact traffic concerns within the local area. It has been agreed that the use of a commercial bin would be used rather than domestic bins which will help reduce the impact of waste and littering with the local area as raised within the LoRs received. It is felt that the proposal is acceptable and is therefore recommended for approval.

### 13. Recommendation

In respect of the application dated **02/06/2015** and the submitted drawings 2694-2 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: 2694-2 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: MINIMUM CAR PARKING PROVISION**

(3) The building shall not be occupied until space has been laid out within the site in accordance with the approved plan for a minimum of 5No cars to be parked and that area shall not thereafter 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.

### **PRE-OCCUPATION: 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 4No 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.

## **PRE-OCCUPATION: ACCOMMODATION MANAGEMENT**

(5) Within one month of the date of this decision notice, a management plan for the operation of the accommodation hereby approved, 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 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 CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Plymouth's adopted Development Guidelines Supplementary Planning Document 2010.

## **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 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: PROPERTY RIGHTS**

(3) Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

### **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

(4) 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 - MANAGEMENT**

(5) With regard to the management plan, it is recommended that there is an appropriate selection process for tenants and that an appropriate anti-social behaviour clause is included in the tenancy agreement so that any anti-social behaviour or noise nuisance created by the tenants can be adequately addressed. Should a noise nuisance be created at the property, then action may be taken in line with statutory nuisance provisions under the Environmental Protection Act 1990.