

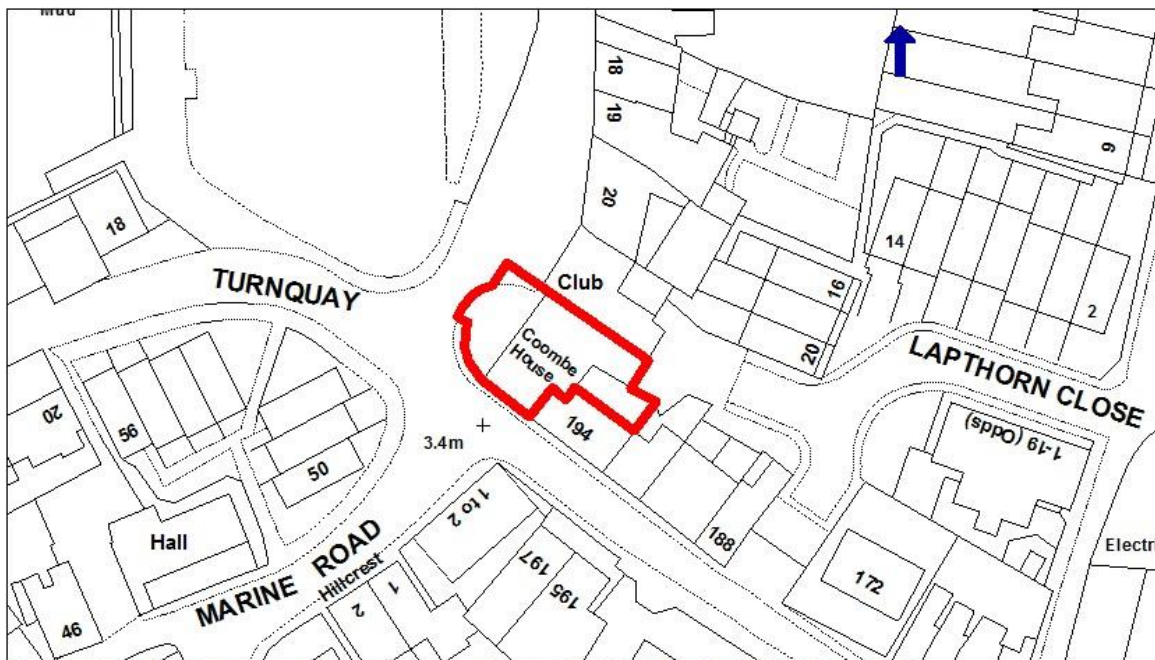
PLANNING APPLICATION REPORT



Application Number	15/02098/FUL	Item	03
Date Valid	09/11/2015	Ward	Plymstock Radford

Site Address	COOMBE HOUSE, THE QUAY PLYMOUTH		
Proposal	Change of use from dwelling to 4no self contained flats		
Applicant	Mr and Mrs R Tooze		
Application Type	Full Application		
Target Date	22/01/2016	Committee Date	Planning Committee: 14 January 2016
Decision Category	Member Referral		
Case Officer	Christopher King		
Recommendation	Refuse		

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This application has been referred to planning committee by Cllr Michael Leaves

1. Description of site

Coombe House is a large three-storey, corner terrace property located in the Oreston area of the City and at the junction of Marine Road, Turnquay, and The Quay. The dwelling is situated in a waterfront position and is bounded to the northeast and rear by neighbouring properties. The property can be accessed from the rear via Laphorne Close.

The property is a large 8 bedroom family dwelling; and by virtue of being located on the 'The Quay', adjacent to the water, the property receives a generous vista, to the appeal of the area's historic character, although The Quay is not recognised as a conservation area.

2. Proposal description

Change of use from single family dwelling (Use Class C3) to four self-contained flats (Use Class C3)

3. Pre-application enquiry

No Pre Application advice was sought with regards to this proposal, however there was post refusal meeting following the refusal of application 14/01878/FUL. Officers advised that it did not seem possible to accommodate the level of parking required for a proposal of this nature. As is explained below, the proposal that has been submitted does not appear to address the issues that were raised.

4. Relevant planning history

15/01208/FUL - Replacement of existing dwellings 18 & 19 The Quay with three dwellings – Granted

14/01878/FUL - Change of use from single dwelling to four self-contained flats - Refused

06/01953/FUL - Enlargement of dormer and provision of balcony to enlarged dormer accessed by three sets of French doors - Granted

87/02248/FUL – Change of use of dwelling in to two maisonettes – Granted

86/01456/FUL – Change of use from dwelling house in to home for 10 persons with special needs – Withdrawn

84/00517/FUL – Change of use from private dwelling house to residential home for the elderly – Refused

79/00104/FUL - Change of use and conversion of shop with living accommodation over to snack bar and guest house - Refused

5. Consultation responses

Local Highway Authority – Recommends Refusal

Public Protection Service – No Objections

Lead Local Flood Authority – No Objections

Natural Infrastructure Team – No Objections

Health and Safety Executive – No objections

MOD Safeguarding – Response has not yet been received

6. Representations

Five letters of representation have been received, two of which object to the proposal, and three are supportive. The letters of objection are summarised as follows:-

- Highways and Parking issues, and images in the application are misleading
- Out of character
- Overdevelopment
- Design issues
- The space which is directly outside of this property is a public pavement and this land is not owned by the current owner
- Recent concerns have been raised with the parking department in relation to concerns of public use for wheelchair and pushchair access
- It is not clear which road runs behind this property for refuse collection
- If this Application is granted, why were Bed & Breakfast applications always refused

The letters of support are summarised as follows:-

- The village is quiet with low volumes of traffic
- Vehicle frequency and speeds tend to be comparatively low in this area, and on-street parking is a common occurrence
- There has always been on street parking availability at all times along the Quay and the proposal to reduce the number of bedrooms would limit the number of road users
- This conversion would be of benefit to the community
- The village is very quiet with little traffic movement
- Conversion would be the best option as the house seems too big for an average family home
- Converting this building would provide much needed accommodation for others at a time when, we are told, property for dwellings are desperately needed to service a shortage of quality such properties
- The City Council having allowed a nearby property to be converted similarly has, by so doing, set a precedent in favour of this logical development

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 was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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 a relatively 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:

- *Development Guidelines Supplementary Planning Document*

8. Analysis

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

The principal issues with regards to this proposal relate to the impact towards residential amenity; the character of the area, and highways and parking constraints.

1. This application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy; and Part 2 and Part 8 of the Development Guidelines Supplementary Planning Document (SPD). This proposal has also been considered in the context of Policy 30 of the emerging Plymouth Plan Part One

Site Planning History

2. The local planning authority considered an almost identical proposal in 2014 for the conversion of Coombe House into 4 self-contained dwellings. The application proposed four parking spaces; one in the garage, one in front of the garage and two on the public highway/footpath, resulting effectively in a configuration where one of the proposed dwellings

was not provided with a parking space and two of the dwellings allocated parking spaces on the public highway.

3. Planning application I4/01878/FUL was subsequently refused by the Local Planning Authority for the following two reasons:-
 - No adequate provision has been proposed for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-
 - (a) Damage to amenity;
 - (b) Prejudice to public safety and convenience;
 - (c) Interference with the free flow of traffic on the highway which is contrary to Policy CS28 and CS34
 - The development would result in an increase in the number of vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:-
 - (a) Prejudice to public safety and convenience;
 - (b) Interference with the free flow of traffic on the highway;
 - (c) Unwarranted hazard to vehicular traffic; which is contrary to Policy CS28 and CS34
4. More recently, planning application I5/01208/FUL at 18 & 19 The Quay for the replacement of existing dwellings with three dwellings, with the provision of one parking space was approved. This application resulted in the loss of a retail unit, which has a much higher vehicle demand than a dwelling, therefore is significantly different to the proposal at Coombe House; a view that has been confirmed by the Local Highways Authority.

Proposed Dwellings

5. This application proposes the conversion of a large, 8 bedroom single family dwelling into four self-contained flats. The ground floor flat will be a 1 bedroom flat, whilst the other three flats will be 2 bedroom flats.
6. Only one of the proposed dwellings has been provided with off street parking, which is of concern to the LPA and is discussed later on in this report.
7. The internal layouts provide adequate space for the occupiers in accordance with the Development Guidelines SPD, with sufficient levels of light afforded to them without the need for the addition of new windows. The additions of the balconies are considered acceptable and provide the upper flats with additional private amenity space. However the Local Highways Authority has expressed concerns over the lower balcony and its impact on the highway, and is discussed in more detail in paragraph 22 of the report.
8. The ground floor flat will have direct access to the rear amenity space; whilst the other flats will have shared access through a shared access way. Within the rear courtyard, provision has been made for the secure storage of two bicycles, and adequate provision has been made for the storage of refuse.

Amenity and Character

9. The amenity afforded to the future occupiers of the flats is considered acceptable, according with Council's Development Guidelines SPD. Furthermore, officers consider that the impact of the proposal will not have a detrimental impact towards neighbouring residential amenity; and will not give rise to overlooking and privacy issues to those using the public space to the front of the property.
10. The visual appearance of the property will change slightly with the addition of the balconies, however in officers view does not cause harm to the visual character of the area, and as such accords with policy CS34.
11. The intensification of the building, going from 1 dwelling to 4 dwellings may give rise to additional vehicular movements however, which could reduce the general amenity of the area, but not of a significant nature, and as such would not be a valid reason for refusal.

Public Protection

12. It is recommend that that the apartments are built in accordance with BS8233:2014, which ensures suitable noise insulation is provided to protect amenity for future occupiers. Given the scale of the project and works required, it would be too onerous to condition the use of a Code of Practice; however it is recommended that if members consider that the application was acceptable in other respects a condition would need to be added to give specific regard to hours of work to reduce the likelihood of receiving a noise complaint be addressed.

Legal Dispute – Highway Maintained and Public Expense (HMPE)

13. Officers are aware that there is currently a dispute over the ownership of this parcel of land between the applicant and the Council. At this time, the Council continues to contend that this area of land is highway maintainable at the public expense and not in private ownership.
14. If members were to consider this application acceptable in other regards, the Local Planning Authority would need to require the applicant to properly give notice the landowner (PCC) as part of the requirements of Certificate of Ownership of the Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14.
15. The applicant maintains that they have a right of way over the land and so a right to park on it. However, there is a Traffic Regulation Order in place and through this Order double yellow lines are in situ. A resolution has not yet been reached in relation to the dispute which is ongoing.
16. Furthermore, the Local Planning Authority is aware that vehicles have been parked here illegally, and whilst not a planning matter, officers will ensure that illegal parking is brought the attention of relevant departments.

Local Highways Authority

17. The site is located in an area which currently has a significant amount of on street parking. The plans have proposed just two vehicle spaces, one in the garage and one in front of the garage where the Local Highway Authority acknowledges that the occupier has a right to park. This configuration however only provides parking for one of the flats, as it is not convenient or reasonable to expect separate flats to have stacked parking spaces as proposed. A minimum of four off street parking spaces would normally be provided for developments of this nature, one per flat, therefore there is a shortfall of 3 vehicle parking

spaces which is considered contrary to policy CS34 (8) of the Core Strategy, and part 8.2 of the Development Guidelines SPD.

18. The application red line does include a larger area to the front of the property; however the applicant does not propose that occupiers of the proposed flats park their vehicles there. Furthermore, and to the LPAs knowledge, as advised in the Local Highways Authority's consultation response, the area to the front is HMPE (Highway Maintained and Public Expense); therefore no vehicles are permitted to legally park here.
19. Having still not provided satisfactory evidence to prove that the applicant has a right to park any vehicles on the HMPE strip, the proposed amount of parking for use in relation to the change of use is considered unsatisfactory by officers, as only two spaces have essentially been provided. Until a solution whereby at least four vehicles can be safely parked, without conflict between each other's access is established, and this can then be secured long-term by planning condition, officers consider the application should be refused.
20. Paragraph 8.2.5 of the Development Guidelines SPD states that the level of parking provision should reflect the accessibility of the location by public transport. The development has low accessibility by bus, and in the applications 'Planning Statement', paragraph 2.16 acknowledges both the existing and the expected high reliance on the use of the car, car parking within the existing street, and the overspill car parking by occupiers and visitors to which the development would give rise. This is considered unacceptable by officers.
21. Part of the proposed first floor balcony structure on The Quay that would over-sail the public highway fails to provide the minimum clearance of 2.4 metres required between the underside of the lowest part of the supporting struts of the balcony and the surface of the highway to ensure public safety and in officers' view this would result in an unacceptable impact.
22. In conclusion, the proposed development does not provide sufficient car parking spaces for the proposed development. Furthermore, officers consider that the application site is in a location with low accessibility, meaning future occupiers would rely on the car, resulting in additional car parking within the public highway.
23. The proposed development is therefore considered contrary to the Council's Core Strategy policies CS28 & CS34 and the advice contained within the NPPF, and as such the Local Highway Authority recommends that the application is refused.
24. If the highways and parking issues can be resolved in the future; or alternative means of legally parking 4 cars (minimum requirement) can be established, then the proposal may be considered acceptable to the local planning authority. Until this time, the local planning authority cannot support a proposal that compromises highway and pedestrian safety.
25. Cycle storage is welcomed to encourage the use of cycling as a sustainable means of travel, and if members were to consider this application acceptable in other regards, the Local Planning Authority would require the applicant to provide provide a minimum of two secure and covered cycle spaces, which would need to be accessible to all occupiers at all times.

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 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).

11. Planning Obligations

N/A

12. Equalities and Diversities

No equality or diversity issues to be considered

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 does not accord with policy and national guidance and specifically the Local Development Framework Core Strategy and the Development Guidelines SPD and is therefore recommended for refusal.

14. Recommendation

In respect of the application dated **09/11/2015** and the submitted drawings Existing Plans and Elevations P673-01; Proposed Plans and Elevations P673-02; Design and Access Statement; Planning Statement, it is recommended to: **Refuse**

15. Reasons

INADEQUATE PROVISION OF PARKING

(1) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

- (a) Damage to amenity;
- (b) Prejudice to public safety and convenience;
- (c) Interference with the free flow of traffic on the highway (including pedestrians and cyclists).

The proposal is therefore contrary to Policy CS28 and CS34 of the Local Development Framework Core Strategy adopted April 2007; and contrary to the National Planning Policy Framework (NPPF) paragraph 9 & 35.2 & 35.3 & 35.5 that requires developments to:- seek positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life', and

includes; improving the conditions in which people live, work, travel and take leisure; and to provide safe and suitable access and to minimize conflicts between traffic and cyclists and pedestrians.

BALCONY STRUCTURE INTERFERING WITH PUBLIC SAFETY

(2) Part of the proposed first floor balcony structure on The Quay that would over-sail the public highway fails to provide the minimum clearance of 2.4 metres required between the underside of the lowest part of the supporting struts of the balcony and the surface of the highway to ensure public safety; and would result in an unacceptable impact, therefore the proposal is contrary to Policy CS34.7 of the adopted Local Development Framework Core Strategy adopted April 2007; including paragraph 16.14.

INFORMATIVE: REFUSAL

(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 with the Applicant including pre-application discussions and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

INFORMATIVE: ILLEGALLY PARKED VEHICLES

(2) The Local Planning Authority is aware that vehicles have been parked here illegally, and whilst not a planning matter, officers will ensure that illegal parking is brought to the attention of relevant departments.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

NPPF - National Planning Policy Framework March 2012