

PLANNING APPLICATION REPORT



Application Number	16/00260/FUL	Item	
Date Valid	22/02/2016	Ward	Efford & Lipson

Site Address	51 FURZEHILL ROAD, PLYMOUTH		
Proposal	Retrospective change of use to HMO (Class C4 3-6 persons).		
Applicant	Mr Andrew Chan		
Application Type	Full Application		
Target Date	18/04/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Assistant Director of Strategic Planning & Infrastructure		
Case Officer	Chris Cummings		
Recommendation	Refuse		

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This application has been referred to by the Assistant Director for Strategic Planning & Infrastructure for public interest.

1. Description of site

51 Furzehill Road is a two-storey mid-terrace property in the Efford and Lipson ward of Plymouth. It is currently in use as Use Class C4, shared dwellinghouse occupied by between 3 and 6 unrelated individuals. To the rear is a courtyard and parking area leading onto a rear access lane.

2. Proposal description

Retrospective change of use to HMO (Use Class C4 – 3 to 6 individuals)

3. Pre-application enquiry

None

4. Relevant planning history

14/01413/OPR - Conversion to student let and rear extension – Ongoing

5. Consultation responses

Local Highway Authority – No objections raised due to adequate off-road parking provision. The property will be excluded from the CPZ operating in the areas. It is recommended that secure cycle storage for 5 cycles be provided.

Public Protection – No objections, but recommend a suitable management plan be put in place to prevent anti-social behaviour.

6. Representations

One letter received. The primary concerns were:

- Too many HMO's
- Parking problems
- Waste and noise concerns

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

1. 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.
2. The primary considerations for this application are the Policy CS01 (Development of Sustainable Linked Communities), CS15 (Overall Housing Provision), CS34 (Planning Application Considerations), CS22 (Pollution) and the Development Guidelines SPD in respect of the character of the area, amenity of occupants, impact on neighbour amenity and the impact on the highway network.

Background

3. The property was drawn to the attention of the Council in the form of a planning compliance enquiry when work was being carried out to convert the property from a single family dwelling to a house of multiple occupation. This was after the introduction of the Article 4 Direction in September 2012 requiring changes of use from a C3 single dwellinghouse to a C4 HMO.

Character of the area

4. High concentrations of HMO's can have a detrimental impact on areas in terms of noise, anti-social behaviour, street parking and poorly maintained properties.
5. The Development Guidelines SPD First Review states that a threshold of 25% of properties in HMO use is considered to be an appropriate ceiling to maintain balanced communities within the Article 4 area. Changes of use that would result in a concentration higher than 25% will normally be resisted.
6. From the data available to the Council the percentage of licensed HMOs and Council Tax exempt properties in the census output area is in the band 41-50% and contiguous census output area for this location falls within the band 31-40%.
7. A desktop data survey of residential properties within 100 metres of the application site shows that between 60-66% of properties are already in use as some form of multiple occupation. A recent appeal decision (13/1068/FUL) has clarified what can be considered when analysing this data. Only those properties that can be demonstrated to be in HMO use should be counted and this would give a figure of 29%, above the ceiling set out in the Article 4 Direction.
8. The current position already shows a multiple occupancy rate above the 25% figure recommended in the Development Guidelines SPD as necessary for balanced communities. Any increase in HMO properties is likely to worsen an already significant imbalance between single dwellings and HMOs in the area. In this respect the proposal is therefore considered unacceptable.

Amenity of occupants

9. Policy CS15 (Overall Housing Provision) states that conversions into HMOs will only be permitted where the gross floor area of the property exceeds 115sqm. This property has a floor space of approximately 170sqm, exceeding this figure.
10. There is no planning policy set for minimum standards for bedrooms, but all 5 bedrooms are larger than the 6.5sqm set out in Guidance for the Licensing of Housing in Multiple Occupation which relates to Housing legislation. The smallest room is 8.34sqm in size. One bathroom and one shower room are proposed. A communal kitchen and living/dining room are proposed on the lower ground floor. At the rear is a courtyard and parking area that is approximately 115sqm. A size of 50sqm communal space is recommended in the Development Guidelines SPD for terraced dwellings.

Impact on neighbour amenity

11. No additions or extensions are proposed, so the new use would not result in any loss of light or privacy to neighbours. One letter of objection was received, specifically mentioning concerns regarding noise and waste issues. The use of the property by 5 adults would generate more comings and goings than a single family dwellinghouse, and the use as an HMO would be more intensive use. The addition of a management plan condition would be seen as useful tool to help control anti-social behaviour.

Transport and Highway Considerations

12. There is a controlled parking zone in place to the front of the houses on Furzehill Road. The Local Highways Department have indicated that this property would be excluded from the scheme. There are 4 off-street parking spaces which address any demands from the HMO. There is space in the rear for secure cycle storage and storage for a minimum of 5 cycles should be provided. The property is within walking distance of Plymouth University, the City Centre and Mutley Plain district shopping centre. North Hill and Greenbank Road are near and both served well by public transport routes. It is considered a sustainable location where occupants could live and work car free.

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 development falls below the current charging threshold for the Community Infrastructure Levy.

11. Planning Obligations

No planning obligations have been sought in respect of this matter.

12. Equalities and Diversities

None

13. Conclusions

The application is considered to be contrary to the policy of maintaining sustainable communities in Core Strategy Policies CS01 (Development of Sustainable Linked Communities) and CS15 (Overall Housing Provision) and the Development Guidelines SPD and does not protect residential amenity contrary to Core Strategy policies CS22 (Pollution) and CS34 (planning application considerations) and paragraph 56 and 57 of the National Planning Policy Framework. It is recommended for refusal.

14. Recommendation

In respect of the application dated **22/02/2016** and the submitted drawings Site Location Plan 22022016, Floor Plans 22022016, Floor Plans and Elevations 16022016, it is recommended to:

Refuse

15. Reasons

OVERCONCENTRATION OF HMOS

(1) The property is situated in a location that has a high concentration of residential properties that in multiple occupation compared to those in use as single dwellinghouses. The Council therefore considers that the use of this single dwellinghouse as a C4 House in Multiple Occupation would be harmful to the balance and sustainability of community contrary to Policies CS01 and CS15 of the adopted City of Plymouth Location Development Framework Core Strategy (2006-2021) 2007, and the residential conversion policies contained in the adopted Development Guidelines SPD First Review and the National Planning Policy Framework.

REFUSAL (NO NEGOTIATION)

(2) 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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

Informatives

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

(1) 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).

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

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS15 - Housing Provision

SPDI - Development Guidelines First Review

NPPF - National Planning Policy Framework March 2012