

PLANNING APPLICATION REPORT



Application Number	16/01938/FUL	Item	03
Date Valid	12/10/2016	Ward	Drake

Site Address	7 MAPLE GROVE MUTLEY PLYMOUTH		
Proposal	Single-storey rear extension, loft conversion with rear dormer and change of use from 6-bed HMO (Class C4) to 8-bed HMO (Sui Generis) (retrospective)		
Applicant	Mr John Yiannacou		
Application Type	Full Application		
Target Date	07/12/2016	Committee Date	Planning Committee: 15 December 2016
Decision Category	Member Referral		
Case Officer	Chris Cummings		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by Councillor Ricketts

1. Description of site

7 Maple Grove is a mid-terraced property in the Drake Ward of Plymouth. The rear of the property faces out onto an access lane shared with the rear of properties on Hamilton Gardens. The site is situated within walking distance of the main Plymouth University campus.

2. Proposal description

Retrospective application for single storey rear extension, loft conversion with rear dormer and change of use from 6-bed HMO (Use Class C4) to an 8-bed HMO (Sui Generis)

3. Pre-application enquiry

None

4. Relevant planning history

86/02773/FUL – Change of use from residential to a residential home for the elderly together with single storey extension and provision of parking space- Granted conditionally

16/01580/OPR – Unauthorised construction of extension – Under investigation and led to this application

5. Consultation responses

Local Highway Authority – No objection as parking status quo remains if solely student occupation. Condition requested for provision of secure cycle storage for 4 bicycles.

Private Sector Housing – No objections raised as application meets their criteria and HMO License currently being sought.

6. Representations

None received

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 policies. The main considerations for this application are policies CS01 (development of sustainable linked communities), CS02 (design), CS28 (local transport considerations) and CS34 (planning considerations) of the Local Development Framework Core Strategy (2007).
2. The planning history of the site shows a planning application was granted in 1986 for a change of use from 'residential to a residential home for the elderly', along with a single storey extension and creation of parking space. Confirmation has been provided from the Revenues Department that the property has been exempt from Council Tax due to student occupation since 01 September 2006. The time period for planning compliance action to be taken against an unlawful change of use is 10 years, although as the Use Class Order did not distinguish between C3 and C4 at that time, 4 years would have resulted in immunity, and therefore the use as a 6-bed HMO is considered lawful.

Extension

3. The single-storey rear extension extends an existing kitchen/lounge area by approximately 5.82 metres, with a width of 3.85 metres and a height of 2.9 metres with a flat roof. A number of single storey extensions of varying sizes have been erected on neighbouring properties, so this application is not considered to be out of character with the existing street scene. The extension is in accordance with the 45 degree guideline of Paragraph 2.2.35 of the Development Guidelines SPD and no windows are positioned on the north-east elevation, facing the closest boundary. It is therefore not considered to significantly impact neighbour amenity. The materials match the existing dwelling, and the single-storey nature of the extension restricts the visual impact on the rear street scene.
4. Paragraph 2.8.27 of the Development Guidelines SPD sets out recommended minimum outdoor amenity space standards of 50 sqm for a terraced dwelling. The rear extension extends into the existing rear amenity space. However, the measurement of outdoor amenity space includes both front and rear aspects, as confirmed in appeal decision I5/00012/FUL (19 Hill Park Crescent). The combined front and rear communal spaces provide approximately 54 sqm and is found to meet the minimum requirements of the Development Guidelines SPD.

Dormer

5. The rear of the property has an existing two storey tenement at a lower level from the main dwelling. The proposed dormer will be situated on the roof of the main house, set back from the rear tenement. It creates approximately 10.59 cubic metres of additional roof space. Dormer windows of this size on a single family dwelling (Use Class C3) can be installed under permitted development, however as this site is a House in Multiple Occupation (Use Class C4) planning permission is required. The dormer is set back on the roof of the main dwelling and the closest property to the rear is approximately 25 metres measured from the rear elevation of the application site. The positioning of this dormer is not considered to impact adversely on neighbour amenity to the rear or side and as the materials match the existing dwelling it is considered acceptable.

Additional Rooms

6. The dormer is combined with a loft conversion to create two additional bedrooms in the loft space. Under housing legislation there is a requirement for rooms to be a minimum of 6.5sqm. The proposed bedrooms will provide approximately 13.8 sqm in the front bedroom and 8.6 sqm in the rear bedroom, exceeding the minimum room size requirements. No objections were raised from the Private Housing

Amenity

7. The property is within an area covered by an Article 4 Direction, requiring changes of use from a single-dwelling house (Use Class C3) to an HMO of 3-6 occupants (Use Class C4). The property was in use as a 6-bedroom HMO prior to adoption of the Article 4 Direction on 14 September 2012 and the use as a 6-bedroom HMO was lawful. The additional two bedrooms change the property to an 8-bed HMO (Use Class Sui Generis), requiring planning permission.
8. As the property is an existing HMO, the main considerations are whether the increase in occupancy levels will create a negative impact such as noise, on-street car parking, anti-social behaviour and run-down properties. It is not considered that the increase in occupants will significantly increase impact on amenity. A similar increase in HMO occupation levels from 6 to 8 occupants occurred under planning application I6/00568/FUL (76 West Hill Road). The

West Hill Road site had historic noise issues at the property as a 6-bed HMO, however the change to 8-bed HMO was approved by Planning Committee on 07 July 2016, subject to submission and approval of a management plan. As such, a condition is recommended requiring submission of a management plan for approval by the Council to ensure that the amenity of neighbours is protected.

Transport requirements

9. The increase in occupants has the potential to lead to an additional increase in transport requirements. Following consultation with the Local Highway Authority they raised no objection, subject to conditions. A minimum parking standard of 1 space per 2 rooms is required for HMO's, however this can be reduced by 50% where the property lies within a residential parking scheme that operates less than 6 hours a day and is occupied solely by full-time students. The current occupation is by full time students and a condition has been agreed with the applicant that the property will be restricted to full time students only. The existing HMO would require 1.25 spaces (rounded up to 2) and the 8-bed HMO would require 2 spaces. In addition a condition is recommended for provision of secure cycle storage for at least 4 bicycles to promote sustainable transport.

Intentional unauthorised development

10. Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.
11. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.
12. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.
13. Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.
14. On balance, the proposal is considered acceptable and recommended for conditional approval.

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

No charge under current schedule

11. Planning Obligations

No planning obligations have been sought

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, national guidance and Section 2.5 of the Development Guidelines Supplementary Planning Document (April 2010) and recommend conditional approval.

14. Recommendation

In respect of the application dated **12/10/2016** and the submitted drawings ,it is recommended to:
Grant Conditionally

15. Conditions

CONDITION: APPROVED PLANS (RETROSPECTIVE)

(1) This permission relates to the following approved plans: [insert plan numbers].

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.

CONDITION: BEDROOMS

(2) No more than 8 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.

Pre-occupation Conditions

PRE-OCCUPATION: CYCLE PROVISION

(3) Within 28 days of the date of this decision details shall be submitted in writing to the Local Planning Authority for approval of space for 2 bicycles to be securely parked. The secure area for storing bicycles 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: STUDENT ACCOMMODATION

(4) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012, but its occupation by any other persons would need to be the subject of a further planning application for consideration on its merits.

CONDITION: MANAGEMENT OF STUDENT ACCOMMODATION

(5) Within 28 days of the date of this 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' 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 CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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: (NOT CIL LIABLE) 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 - MANAGEMENT PLAN

(3) 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.