

PLANNING APPLICATION OFFICERS REPORT



Application Number	17/01858/FUL	Item	03
Date Valid	19.09.2017	Ward	DRAKE
Site Address	22B Woodside Plymouth PL4 8QE		
Proposal	Creation of 2 bedrooms in roofspace		
Applicant	Mr Essy Kamaie		
Application Type	Full Application		
Target Date	14.11.2017	Committee Date	16.11.2017
Extended Target Date	N/A		
Decision Category	Member referral		
Case Officer	Mr Chris Cummings		
Recommendation	Grant Conditionally		



This application has been called to Planning Committee by Councillor Ricketts

1. Description of Site

22B Woodside is a 2-bedroom first floor flat located in the middle of a terrace of flats constructed in 2012. The topography of the site slopes from north to south. The flat is accessed from the front of the terrace by a shared entrance with the ground floor flat no.22A Woodside.

The rear of the terrace has a shared courtyard parking area with shared cycle and bin storage. The rear faces a rear access lane shared with dwellings on Diamond Avenue. The front of the site faces over the Woodside road to the front of other dwellings.

2. Proposal Description

Creation of 2 bedrooms in roofspace

3. Pre-application enquiry

None

4. Relevant planning history

07/02210/OUT - Outline application to develop land for residential purposes. (10 two bed units) – Granted conditionally

09/01443/FUL - Development of site by erection of ten 2 bed apartments with associated car parking, refuse and cycle storage – Granted conditionally

11/00922/FUL - Construction of new rear boundary wall (demolition of existing stone wall) – Granted conditionally

12/00025/FUL - Construction of new rear boundary wall (demolition of existing stone wall), with removal of condition 3 of planning permission 11/00922/FUL to allow wall not to be clad in stone – Granted conditionally

21-22 Woodside

17/00321/ENF – Alleged unauthorised use of 2-bed flats as 3-bed HMOS – Under investigation

5. Consultation responses

Local Highway Authority – No objection as no change of use occurring and demand is considered to remain the same as before.

6. Representations

Two letters of representation have been received raising concerns about the proposal due to:

- Property allegedly in use as 3-bed HMO, not 2-bed flat
- Overdevelopment of the street
- Overcrowding on the site

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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex I of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies. For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). 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 Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The property is an existing 2-bedroom flat set out over on the first floor. It is proposed to install 2 additional bedrooms in the roof, creating a 4-bedroom dwelling.
3. Letters of representation make reference to the flats being in use as 3-bed HMO. The submitted plans show the property as a 2-bedroom flat (Use Class C3). At the time of writing the case officer has not been permitted to carry out an internal inspection of the property to confirm the plans are correct. The case officer intends to undertake an internal site visit prior to Planning Committee and will update members verbally.
4. The site is within an area covered by the Article 4 Direction, which from 2012 required planning permission for any property changing from Use Class C3 (those living together as a single household) to Use Class C4 (three to six unrelated individuals). Planning compliance case 17/00321/ENF is currently investigating the rest of the flats and whether they fall under Use Class C3 or C4 and if any change to Use Class C4 occurred after the introduction of the Article 4 Direction and required planning approval.
5. As the submitted plans show the property falling under Use Class C3 (single household) the application is being considered as a Use Class C3 dwelling and any future change in the use of the property to Use Class C4 (HMO of 3-6 individuals would require planning permission. An informative is proposed to be added to this application to advise the applicant of these restrictions and the requirement for planning permission for any change to an HMO.

Internal Layout

6. The two additional bedrooms are proposed in the roof space and will see the flat entrance door moved to accommodate the staircase to the loft in the existing lobby area.

7. The Nationally Described Space Standards requires a floor space of 97sqm in areas of at least 1.5 metres of height. The internal layout of the flat provides approximately 90sqm of floor space shown on the plans having at least 1.8 metres of height. The Space Standards are designed for the creation of new dwellings and, on balance, is considered acceptable.

8. The two proposed bedrooms will be approximately 12.45sqm and 15.7sqm in size, exceeding these Nationally Described Space Standard requirements for bedrooms to be of a minimum of 7.5sqm.

9. The proposed bedrooms have en-suite facilities and there is an existing kitchen and lounge on the first floor. The property is considered to provide adequate internal facilities for the increase in bedrooms for a Use Class C3 dwelling.

10. The proposal is considered to meet the requirements of Policy CS15(5) of the Core Strategy and Policy DEV10(5) of the submitted Joint Local Plan as well as paragraphs 2.5.24, 2.6.2 and 2.6.3 of the Development Guidelines SPD.

External Amenity Space

11. The existing 2-bedroom flat has a rear first floor balcony that provides outdoor amenity space of 3.5 sqm. Although there is no increase to the outdoor amenity space the site is located 130m walking distance from Freedom Fields Park. On balance it is considered that the close location of the large park offsets the lack of onsite outdoor amenity and it is considered acceptable.

Neighbour amenity

12. The proposed development includes the installation of three velux windows front roof slope and 3 velux windows on the rear roof slope, approximately 1.2 metres from floor level. To the front there is existing overlooking from the first floor windows of the site and the closest property opposite is approximately 19.6 metres away, separated by a road. To the rear there are existing first floor windows overlooking an existing car park and rear access lane, with the closest dwelling approximately 22.2 metres away. The Development Guidelines SPD recommends a minimum of 21 metres distance between habitable room windows for a two-storey development, increased to 28 metres for a three-storey development. Due to the existing level of overlooking, combined with the angled nature of velux roof lights it is considered that there will not be a significant level of harm to amenity or privacy generated by their installation.

13. The property is an existing 2-bedroom flat in a terrace of flats. The increase to 4-bedrooms would create a single-family dwelling (Use Class C3) spread over two floors. Although this is an intensification of the use of the property the use as a single family dwelling is, on balance, not considered to significantly increase the noise or amenity impacts to the surrounding community.

Transport requirements

14. The site has an existing car park to the rear with 14 off-street parking spaces. The original 2-bed flat would be considered to require 2 off-street parking spaces. However this has not been provided for all flats on site. No change of use of the property from C3 is occurring so the parking requirements would be considered to remain the same.

15. The existing site provides secure cycle storage for 8 cycles, exceeding Development Guidelines SPD Paragraph 8.2.7 recommendations of 1 space per 2 dwellings in a communal store. The existing cycle store is considered acceptable to absorb any additional cycle requirements from the increase in bedrooms.

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

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 recommend conditional approval. Although there is a suspicion that the property has been converted to a Use Class C4 dwelling the application has been considered on the basis that it is for a single dwelling under Use Class C3. On that basis officers consider that the application be approved subject to the conditions outlined below.

14. Recommendation

In respect of the application dated **19.09.2017** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

I CONDITION: APPROVED PLANS

Site Location Plan 2017.07.00 - received 13/09/17

Proposed Plans and Sections 2017.07.04 - received 13/09/17

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.

2 CONDITION: COMMENCE WITHIN 3 YEARS

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.

Informatives

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

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).

2 INFORMATIVE: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)

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 granted planning permission.

3 INFORMATIVE: USE OF PROPERTY

The development hereby approved relates to a dwelling under Use Class C3. The site is within an area covered by an Article 4 Direction and full planning approval from the Local Planning Authority would be required for any future change of use of the property to a House in Multiple Occupation (Use Class C4).