

PLANNING APPLICATION OFFICERS REPORT



Application Number	17/02278/FUL	Item	02
Date Valid	29.11.2017	Ward	ST PETER AND THE WATERFRONT
Site Address	20 Wolsdon Street Plymouth PL1 5EH		
Proposal	Change of use from dwelling (Class C3) to 6-bed HMO (Class C4)		
Applicant	Mr Nathan Miles		
Application Type	Full Application		
Target Date	24.01.2018	Committee Date	08.02.2018
Extended Target Date	N/A		
Decision Category	Member referral		
Case Officer	Mr Chris Cummings		
Recommendation	Grant Conditionally		



This application was referred to Planning Committee by Councillor McDonald

1. Description of Site

20 Wolsdon Street is a mid-terrace property located in the North Stonehouse Conservation Area, within the St Peter and the Waterfront ward of Plymouth. The rear of the site faces onto Wyndham Lane.

2. Proposal Description

Change of use from dwelling (Use Class C3) to 6-bed House in Multiple Occupation (Use Class C4)

3. Pre-application Enquiry

None

4. Relevant Planning History

None

5. Consultation Responses

Public Protection Service - No comment

Community Connections - No objections

Historic Environment - No objection as no external alterations are proposed

Local Highway Authority - No objection as property is within an area covered by a Controlled Parking Zone for more than 6 hours per day, 6 days per week and the development could be considered car free. The development would be excluded from the parking permit scheme. Recommended that a condition requiring secure cycle storage be placed on any approval.

6. Representations

Four letters of representation have been received objecting to the proposal. The considerations raised are:

- Area has high density of HMO's and single occupancy units
- Over intensification of use of the property with negative impacts to neighbouring properties
- Does not provide mix of housing in the area
- Increase in anti-social behaviour
- Lack of parking at the property

- Lack of maintenance of HMOs, installation of satellite dishes in the area and visual impacts on the Conservation area.
- Front windows open onto pavement, creating pedestrian hazard

The matters raised will be discussed in the analysis section of this report.

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.

In this case the following policies are relevant to the consideration of these proposals:

DEVI I Houses in Multiple Occupation in the Plymouth Article 4 Direction Area

The policy received no objections and one letter of support. The Planning Inspector has raised a question regarding the policy plans positively for the development of HMOs, is it supported by

evidence and will it be effective? The Policy is given limited weight in this report, as it is not formally adopted by the Council at this time.

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 SPD
- North Stonehouse Conservation Area Appraisal and Management Plan

8. Analysis

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

Layout

The proposal seeks a change of use from a single dwellinghouse (Use Class C3) into a 6-bed HMO (Use Class C4). Policy CS15 of the Core Strategy states that conversions of this nature are only acceptable in properties where the gross floor area is more than 115sqm. The proposed gross floor level of the property exceeds 115sqm and is therefore considered compliant with this aspect of Policy CS15.

The Nationally Described Space Standards require a 6-bedroom house such as the application site to provide a minimum floor space of 138sqm. The property will exceed this floor space requirement and is considered an acceptable size.

The Community Connections Service were consulted on the proposal and advised that the room sizes were considered acceptable. The rooms are remaining in the same position, with the provision of ensembles in a number of bedrooms. The smallest bedroom measures approximately 10 sqm, with all room sizes exceeding the Nationally Described Space Standard requirements for room sizes and widths.

Outdoor Amenity

There is approximately 29.5sqm of outdoor amenity space within the application site. Paragraph 2.8.27 of the Development Guidelines SPD sets a recommended size of 50sqm to be provided for terraced dwellings. Although the site provides less than the recommended levels, this is similar in size to surrounding properties. Paragraph 2.8.26 of the Development Guidelines SPD also states that in older, more densely developed neighbourhoods of Plymouth 'it is not unreasonable to assume that outdoor amenity space provision might be lower'. Due to the similar levels of outdoor amenity space in neighbouring properties and the close proximity to Victoria Park, the provided level of 29.5sqm is considered acceptable.

Existing HMO levels

High concentrations of HMO's can have a detrimental impact on an area in terms of noise, anti-social behaviour, on-street parking and poorly maintained properties.

The property is located within an area covered by an Article 4 Direction which requires changes of use from dwelling (Use Class C3) to an HMO of 3 to 6 occupants (Use Class C4) to obtain planning approval from the Council for the change.

The Council's data confirms that 8.37% of the residential buildings within 100m of the application site are HMOs.

This level falls below the threshold of 25% HMO's which Paragraph 2.5.14 of the Development Guidelines SPD states as an appropriate ceiling to maintain balanced communities, and the 10% threshold set out in Policy DEVI I of the emerging Joint Local Plan.

Neighbour amenity Impacts

Policy DEVI I of the emerging Joint Local Plan also states that the application site should not sandwich a C3 dwelling unit between two HMO properties. The change of use of the property to an HMO would sandwich the neighbouring C3 dwelling at no.21 Wolsdon Street, between two HMOs.

Policy DEVI I has not been formally adopted by the Council, so limited weight can be placed on this policy. The emerging Policy DEVI I has had no objections to it and one letter of support, but the Planning Inspector is questioning whether the policy plans positively for HMO's, is supported by evidence and is effective. There is no direct policy equivalent in the adopted Core Strategy and therefore officers do not recommend that refusal should be pursued on these grounds alone in advance of the adoption of JLP policy DEVI I.

The change to an HMO would, however, create an intensification of use, and Policies CS22 and CS34 of the adopted Core Strategy look to protect the amenity of neighbouring properties and prevent noise pollution generated by developments.

Previous applications for enlarging HMO's in the city have been considered acceptable with a condition requiring submission and approval of a management plan, such as I6/00568/FUL, West Hill Road which had previously had noise complaints about the occupants when operating as an HMO.

It is recommended that, due to the limited weight that can be accorded to Policy DEVI I of the Joint Local Plan it will be possible to mitigate the possible amenity impacts of the proposal on neighbouring properties through the attachment of a condition requiring submission and approval of a management plan. This would help to protect amenity for current and future occupants of neighbouring properties consistent with the approach taken on previous similar applications in the city. .

No additions or extensions to the existing building have been proposed, so the change of use will not create any reduction in privacy or light for neighbouring properties.

Paragraph 6.2.1 of the Development Guidelines SPD states that each occupant of a property would require space for 70 litres of space for refuse and 40 litres for recycling per week, creating a total of 420 litres for refuse and 240 litres for recycling for the six proposed occupants.

The existing dwelling provides two 240 litre wheeled bins and as such, additional bin storage is required to meet the SPD recommended levels. In light of letter of representations raising concerns over an increase in rubbish and potential waste in the rear lane, it is recommended to add a condition requiring the installation of a bin store at the rear of the property and that the bins should be stored in this location except for on the day of collection. This would be compliant with Paragraphs 6.3.6 and 6.3.4 of the Development Guidelines SPD and Policy DEV10 of the emerging Joint Local Plan.

Parking

The site does not have any off-street parking provision and the change of use to HMO could lead to an intensification of use of the property. The Local Highway Authority were consulted on the proposal and advised that the site is located within an area of the City where there is a Controlled Parking Zone in operation for more than 6 hours per day, 6 days per week (Monday to Saturday, 9am to 7pm). Paragraph 8.5.2 of the Development Guidelines SPD states that in circumstances such as this a proposal is acceptable as a car-free development. The property would be excluded from parking permits, in line with Paragraph 8.5.3 of the Development Guidelines SPD.

The Local Highway Authority recommended that 6 secure cycling spaces should be provided at the site. Table 8.2 of the Development Guidelines recommends that a minimum of 1 space per 2 occupants should be provided. As the proposal is considered a car-free development it is considered appropriate to add a condition requiring provision of 6 secure cycle spaces to promote sustainable transport options in line with Policy CS28 of the Core Strategy and Policies DEV10 and DEV31 of the emerging Joint Local Plan. There appears to be adequate space for this within the rear yard.

External Alterations and North Stonehouse Conservation Area

The property is situated within North Stonehouse Conservation Area and letters of representation raised concerns about the impact on the Conservation Area from satellite dishes or other external alteration. The Council's Historic Environment Officer was consulted and verbally advised that there was no objection as no external alterations are proposed. However, it is recommended to add an informative condition to this decision to advise the applicant that the property is within a Conservation Area and that planning consent may be required for future external alterations to the property.

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

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

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 although the site will see an intensification of use through the change of use to an HMO, it is considered that on balance, and with appropriate conditions, the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated **29.11.2017** 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 23/11/2017 - received 23/11/17

Existing Floor Plans 29/11/2017 - received 29/11/17

Proposed Floor Plans 29/11/2017 - received 29/11/17

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.

3 CONDITION: SECURE CYCLE STORAGE

PRE-OCCUPATION

The additional bedrooms hereby approved shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 6 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 and Policies DEV10 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

4 CONDITION: MANAGE STUDENT ACCOMMODATION

PRE-OCCUPATION

No bedrooms shall be occupied until 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, have been 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 CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

5 CONDITION: REFUSE STORAGE

PRE-OCCUPATION

Prior to occupation details of bin storage showing the design and location and external appearance shall be submitted to and approved by the Local Planning Authority. The total bin storage should provide space to store refuse bins with a minimum total size of 420 litres for refuse and a minimum of 240 litres for recycling. The approved enclosures shall be provided before the commencement of the use and thereafter permanently retained. The refuse bins shall be kept in the refuse storage area at all times, with the exception of the allocated refuse collection day.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan

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: CONDITIONAL APPROVAL NO NEGOTIATION

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.

3 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

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.

4 **INFORMATIVE: EXTERNAL ALTERATIONS**

No external alterations were proposed in this application. The applicant's attention is drawn to the site being located within the North Stonehouse Conservation Area and that planning permission may be required for any future external alterations.