PLANNING APPLICATION OFFICERS REPORT



Application Number	17/02444/FUL			Item	03		
Date Valid	15.12.2017			Ward	ST PETER A	ST PETER AND THE WATERFRONT	
Site Address		95 Durnford Street Plymouth PLI 3QW					
Proposal		Change of use from no.3 flats (Class C3) to 10-bed HMO with office for visiting support worker (Sui Generis) and single storey rear extension					
Applicant		Dominic Robinson					
Application Type		Full Application					
Target Date		09.02.2018			Committee Date	05.04.2018	
Extended Target Date		N/A					
Decision Category		Member referral					
Case Officer		Mr Chris Cummings					
Recommendation		Grant Conditionally					

This application has been referred to Planning Committee by Cllr McDonald

I. Description of Site

95 Durnford Street is an end terrace property situated on the corner of Durnford Street and Pound Street in the St Peter and the Waterfront ward of Plymouth. The attached terrace are Grade II Listed Buildings, however this site is not included within the listing. The site is also located within the Stonehouse Peninsula Conservation Area. The property is currently arranged as 3 flats, comprising of a 2-bedroom maisonette at lower ground and ground floor, and a 1-bedroom flat at each of the first and second floors. There is existing communal access at the rear.

2. Proposal Description

Change of use from no.3 flats (Use Class C3) to 10-bed HMO (Sui Generis) with office for visiting support worker and single storey rear extension.

3. Pre-application Enquiry

None

4. Relevant Planning History

79/03790/FUL - Alterations to provide three dwelling units - Granted conditionally

80/00668/OUT - Outline application to erect a private motor garage - Granted conditionally

17/01078/MIN - Convert to a 10-bed HMO for use of men in abstinence based recovery - Supported in principal

5. Consultation Responses

Local Highway Authority - No objection as the site is situated within a Controlled Parking Zone that operates 24 hours a day, 7 days a week. The development can therefore be considered car free and off-street parking is not required. The property is already excluded from parking permits and would continue to be so. A condition is recommended for provision of secure and covered storage for 5 bicycles.

Public Protection Service - No comments, but advice offered on management plan requirements

Historic Environment Officer - Property is not listed, but is in Conservation Area and should be considered non-designated heritage asset. They recommended that doors and windows should match wooden windows on existing dwelling and that details of the roof and rainwater goods should be supplied to the Council for approval.

Community Connections Service - No objection, and advised on Council HMO Licensing Guidelines regarding room sizes.

6. Representations

36 letters of representation have been received objecting to the proposal, raising concerns regarding the following matters:

- Increase in parking
- Lack of staffing overnight and weekends and concerns over type of supervision
- Impact due to misuse of alcohol or drugs on local community
- Levels of occupancy too high, could see 2 people in each room.
- Increase in noise and anti-social behavior
- Increase in crime
- Increase in refuse generated
- Loss of three family homes
- Location of abstinence based premises close to existing pubs.
- Use is out of character with surrounding area
- Loss of property values
- High levels of existing HMOs in the area

- Use of property if organisation running it ceases
- Lack of consultation with local residents
- Use of uPVC for windows and doors would be out of character with Conservation Area

The loss of property value is not a material planning consideration. All other matters raised will be discussed in the analysis section of this report.

No community engagement was undertaken prior to the application being submitted. Following the submission, the applicants and the Stonehouse Residents Association (SRA) have been in contact, with one meeting between the applicants and the SRA and another public meeting with the residents.

A further meeting between the applicant and the Planning Officer is also scheduled prior to the Planning Committee meeting.

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 SPD
- Stonehouse Peninsula Conservation Area Appraisal and Management Plan

The site is within the Stonehouse Peninsula Conservation Area and would fall under the requirements of Section 72(I) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The position of the site adjacent to a listed building falls under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires any development that may affect the setting of a listed building to 'have special regard to the desirability of preserving the building or its setting or any features of special or architectural or historic interest which it possesses'.

8. Analysis

- I. This application has been considered in the context of the legislative tests, development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
- 2. The Policies of most relevance to the consideration of this application from the Core Strategy are CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS15 (Housing Provision), CS22 (Pollution), CS26 (Sustainable Waste Management), CS28 (Local Transport Considerations).
- 3. The policies of most relevance to the consideration of this application from the Plymouth and South West Devon Joint Local Plan are DEVI (Protecting Health and Amenity), DEV2 (Air water, noise, soil and land), DEVI0 (Delivering high quality housing), DEVII (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area) DEV20 (Place shaping and the quality of the built environment), DEV21 (Conserving the historic environment), DEV22 (Development affecting the historic environment), DEV31 (Specific provisions relating to transport) and DEV33 (Waste Management).
- 4. The main planning considerations in this case are considered to be the impact on the character and appearance of the conservation area, design the effect on residential amenity, parking and highway safety.

Principle of Development

5. The proposed change of use is to create a 10-bedroom House in Multiple Occupation with office for a visiting support worker (Use Class Sui Generis) and a rear single storey extension.

- 6. The change of use would not be considered to fall under Use Class C2 as there is not 24 hour care being provided within the site, with the visiting support worker being present Monday to Friday 9.00 to 16.00 and an on-call service being provided at all other times.
- 7. The use of the property is as for adult males in abstinence based recovery from alcohol or drug abuse. The project operates a zero tolerance to drugs or alcohol on or off the property, with individual plans in place for the immediate removal of any resident who lapses.

HMO Levels

- 8. Policy CS15 of the Core Strategy requires that any new HMO does not harm the character of the area with regard to the existing number of converted and non-family dwellings in an area. This is supported by Paragraph 2.5.14 of the Development Guidelines SPD sets a threshold of 25% for HMOs within 100 metres of the application site. The emerging Joint Local Plan has a specific policy, Policy DEV11, relating to HMO levels in an area, setting a threshold of 10% HMOs.
- 9. The Council's records show that the existing level of HMO's within 100 metres of the application property is 1.59%. If this property was approved the level would become 2.13%.
- 10. The HMO levels therefore fall below the thresholds set out in the Development Guidelines SPD and the emerging Joint Local Plan meeting the requirements of Policy CS15 of the Core Strategy and Policy DEV11 of the Joint Local Plan.

Design

- II. The proposed single storey extension will create a utility room positioned below the level of the main existing lower ground floor, at the level of the store within the rear tenement. It is proposed to extend approximately 2.5 metres from the rear elevation, with a width of 3.2 metres and a flat roof with a height of 2.55 metres.
- 12. Adjacent to it is a 2 storey tenement block, and the proposed extension will be set back by 3.15 metres from the rear tenement elevation, creating a subordinate extension.
- 13. The extension will protrude 0.15 metres above the existing boundary wall, which acts as screening from neighbouring properties. The extension is not considered to adversely impact on the amenity or privacy of neighbouring properties in line with Policy CS34 of the Core Strategy. Similarly, the inobtrusive nature of the extension is such that it would not have any harmful impact on the setting of the adjacent listed building.
- 14. The site is situated within the Stonehouse Peninsula Conservation Area and is adjacent to a Grade II Listed Building. The Council's Historic Environment Officer was consulted on the proposal and advised that the submitted plans showed upvc windows and doors, whilst the existing dwelling has timber windows and doors. These proposed materials would not match the existing timber materials of the existing dwelling. It was agreed with the applicant to amend the proposal so that timber would be used for the rear extension windows and doors. The Historic Environment Officer advised that slate would be preferred for the roof of the extension, however this is not possible on a flat roof and the proposed material is a fiberglass roof. Altering the roof height to allow slate would

create a more visible extension, protruding higher above the boundary wall, affecting the setting of the adjacent listed building. The flat roof is therefore considered more suitable and fiberglass is an acceptable material providing the colour matches the roof colour of the existing house. It is therefore recommended that a condition is added to any approval to ensure the final materials are approved by the Council to ensure that they are suitable and match the materials of the existing dwelling.

15. No other external alterations are proposed to the building and the alterations are considered to respect the appearance of the property as a non-designated heritage asset and preserves the appearance in its setting of the Stonehouse Peninsula Conservation Area. The extension is considered acceptable and complies with Policies CS02 and CS03 of the Core Strategy and Policies DEV20, DEV21 and DEV22 of the emerging Joint Local Plan.

Layout

- 16. Policy CS15 of the Core Strategy states that a conversion of properties into an HMO is only acceptable where the gross floor area is more than 115sqm. The floor space measured does not include the proposed extension in accordance with Paragraph 2.5.24 of the Development Guidelines SPD. The gross floor space of the existing dwelling is approximately 227 square metres, exceeding the requirements of Policy CS15.
- 17. There is some ambiguity as to whether the National Space Standards apply to changes of use to HMO's. On examination of the plans it was found that one of the second floor bedrooms did not meet National Space Standards. An amended floor plan was submitted and all bedrooms now exceed 7.5sqm in size, meeting National Space Standard requirements for bedroom sizes.
- 18. The Community Connections Service were consulted on the proposal and raised no objections, providing details of room sizes to meet the Council's HMO Licensing standards. Due to the size of the property an HMO License would be required and these HMO License standards are suitable for use as a guide to size requirements.
- 19. All of the bedrooms meet the minimum room size of 6.5sqm for a single occupant in a bedroom, with 9 of the 10 bedrooms meeting Community Connection guidelines for 2 occupants. However, due to the intensification of occupant numbers and use of the property for abstinence based recovery it is recommended to add a condition restriction occupancy of the property to a single occupant in each of the bedrooms shown on the proposed floor plans.
- 20. One of the rooms is to be used as an office for a visiting support worker. It is recommended to add a condition ensuring that this office is retained as an office at all times.
- 21. The Development Guidelines SPD recommends 50sqm of outdoor amenity space to be provided for a terraced dwelling. The outdoor amenity space provided at the property is approximately 50sqm, meeting this requirements.

22. The proposal is considered to provide adequate internal and external amenity space, meeting the requirements of Policies CS15, CS22 and CS34 of the Core Strategy and Policy DEV1, DEV2 and DEV10 of the emerging Joint Local Plan.

Parking

- 23. The site does not have any off-street parking provision and the change of use could lead to an intensification of use of the property. The Local Highway Authority was consulted on the proposal and raised no objections, advising that the site is within a Controlled Parking Zone that operates 24 hours a day, 7 days a week. In accordance with Paragraph 8.5.2 the proposal can therefore be considered to be a car-free development. The property is currently excluded from obtaining parking permits, and this would remain should any approval be given.
- 24. It was raised with the Local Highway Authority that there would be a visiting support worker to the property and they confirmed that the proposal could still be considered car free development as the Controlled Parking Zone is in operation 24/7.
- 25. To promote sustainable transport in line with Policy CS28 of the Core Strategy and Policy DEV31 of the emerging Joint Local Plan it is recommended to add a condition requiring secure cycle storage for a minimum of 5 bicycles at the property.

Bin Storage

- 26. Paragraph 6.2.I of the Development Guideline 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 requirement of 700 litres refuse space and 400 litres recycling space required for the IO occupants.
- 27. Each of the existing three flats would have two 240 litre wheeled bins for refuse and recycling, providing a total of 1,440 litres (3 x 480 litres) of refuse and recycling space for the whole site.
- 28. This is in excess of the total 1100 litre level required for a 10-bed HMO and is therefore considered to meet the SPD recommended levels and Policy CS26 of the Core Strategy and Policy DEV33 of the emerging Joint Local Plan.
- 29. It is recommended to add a condition requiring that bins containing a minimum size of 700 litres of refuse space and 400 litres of recycling are provided and that they are stored in a bin storage area on-site and only placed outside this area on refuse collection days.

Neighbour Amenity

30. Policy DEVII of the emerging Joint Local Plan states that the application site should not sandwich a C3 dwelling unit between two HMO properties. The Council's records show that the change of use to an HMO would not result in the sandwiching of any C3 dwellings by HMOs.

- 31. The use of the property is as an HMO for adults engaging with an abstinence based drug/alcohol recovery model, operating with no tolerance for any drug or alcohol use by any resident on or off the property. Should any resident be found to have consumed alcohol or drugs on or off the property then they will leave the property immediately.
- 32. The property will have a staff member at the property Monday to Friday 09.00 to 16.00 and an on-call service in operation all other times.
- 33. Neighbour engagement is considered important due to the proposed use of the dwelling, potential impacts on the surrounding community and concerns raised by neighbours. No community consultation was undertaken by the applicant prior to submission, but two meetings have been held during the application process. One meeting was with Stonehouse Residents Association and the other a public meeting.
- 34. It has been raised with the applicant that a community forum would be an appropriate method of meeting regularly to address any issues with the local community, councillors and involved stakeholders. A condition is therefore recommended requiring the creation of a community forum prior to occupation of the property with regularly scheduled meetings to resolve any issues that arise.
- 35. A full management plan will be submitted to the Council prior to the Planning Committee meeting, containing detailed information on site management when the support worker is present, site management when the support worker is absent, identification of relapsed residents, details of the exit strategy for any occupiers that relapse, as well as emergency contact details for local residents. If the management plan is found to be acceptable then a condition is recommended to ensure that any approved management plan is adhered to at all times to protect the amenity of the surrounding community.
- 36. A detailed management plan, combined with a community forum is considered to limit amenity impacts on the surrounding community in line with Policies CS01, CS15 and CS22 of the Core Strategy and Policies DEV2 and DEV10 of the emerging Joint Local Plan.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article I 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

II. 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 and reasons for recommendation

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, S66(1) and S72(1) of the Planning (Listed Building And Conservation Area Act) 1990 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

In conclusion officers therefore consider the development will preserve the character and appearance of the Stonehouse Peninsula Conservation Area and the setting of the adjacent Listed Building. Officers consider the proposal provides suitable accommodation levels and will not have a significant detrimental impact on neighbouring amenity provided that all conditions are strictly adhered to, with particular attention drawn to the management plan and inclusion of local residents in a community forum. The application is therefore recommended for approval.

14. Recommendation

In respect of the application dated 15.12.2017 it is recommended to Grant Conditionally

15. Conditions / Reasons

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

CONDITION: APPROVED PLANS

Site Location Plan 15122017 - received 15/12/17

Block Plan 15122017 - received 15/12/17

Existing Floor Plans and Elevations DWG 1OF2 - received 15/12/17

DWG 2OF2 2 received 31/01/18

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: WINDOWS, DOOR AND ROOF DETAILS

PRE-DAMP PROOF COURSE

No works shall commence on the installation of the new windows until details of the proposed new windows and any secondary glazing have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

4 CONDITION: ACCOMMODATION MANAGEMENT

PRE-OCCUPATION

None of the rooms hereby permitted shall be occupied until details of the arrangements by which the accommodation is to be managed, including emergency contact details, support worker management, out-of-hours management, identification and handling of relapses, and exit strategies for occupants, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with policies Policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007, Paragraph 17 of the National Planning Policy Framework 2012 and Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

5 **CONDITION: COMMUNITY FORUM**

PRE-OCCUPATION

Details of the arrangement of the community forum meetings with the neighbours and other stakeholders shall be approved in writing by the Local Planning Authority in consultation with the chair, vice chair and opposition member prior to the occupation of the property.

The details shall include: The frequency, timing, and venue, of forum meetings, and ensuring neighbours and other stakeholders are informed of their occurance. The forum shall continue to be operated in the agreed format at all times while the site continues to be used for the approved use unless there are subsequently any variations to the agreed forum details agreed in writing by the Local Planning Authority.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of nearby properties to comply with Policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007, Paragraph 17 of the National Planning Policy Framework 2012 and Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

6 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The building shall not be occupied until space has been laid out within the site for a minimum of 5 bicycles to be securely parked in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The secure area for storing bicycles shall be provided in accordance with that approval prior to the occupation of the building for the purposes hereby approved, and 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 policy DEV31 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

7 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 level of 700 litres for refuse and a minimum of 400 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 Polices DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan

8 CONDITION: VISITING SUPPORT WORKER OFFICE

PRE-OCCUPATION

The visiting support worker office shall be provided prior to the occupation of any bedroom in the property and the office shown on the approved plan shall remain as a support workers office at all times unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

To ensure the facility is managed in an appropraite way and protect residentail amenities of the area in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Paragraphs 17 and 123 of the National Planning Policy Framework 2012 and Policies DEVI and DEV2 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034)

9 CONDITION: NUMBER OF BEDROOMS AND OCCUPANTS

No more than 10 rooms at the property shall be used as bedrooms, with only the rooms labelled "bedroom" on the approved plans to be used as bedrooms with a single occupant in each room unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms and occupant numbers 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.

Informatives

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 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 with the Applicant and has negotiated amendments to the application 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: NON-DESIGNATED HERITAGE ASSET

The site is not a listed building, however it is considered by the Council to be a non-designated heritage asset. If any historic details are present or uncovered during the works then it is preferred for them to be retained. If ther any doubts over the significance of any features then please contact the Council's Historic Environment Team.

5 **INFORMATIVE: HMO LICENSE**

This property is likely to fall within the HMO licensing scheme and a licence must be obtained from the Council's Community Connections Department. Contact details and further information about licensing and the specific HMO standards that relate to licensable properties can be found at https://www.plymouth.gov.uk/housing/privaterentedaccommodation/housesmultipleoccupationhmo/a pplyhousemultipleoccupationlicence .