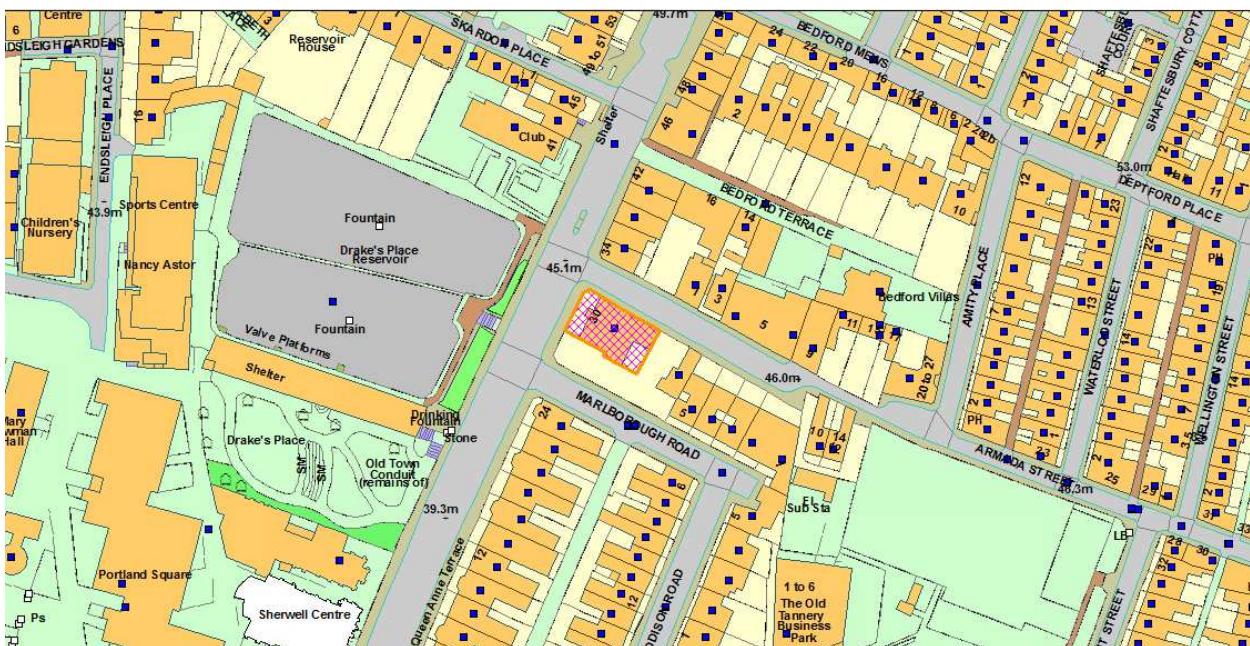


PLANNING APPLICATION OFFICERS REPORT



Application Number	18/00830/FUL	Item	02
Date Valid	30.05.2018	Ward	DRAKE

Site Address	Units 9 & 10 Sherwell House 30 North Hill Plymouth PL4 8ET		
Proposal	Retrospective continuous C4 Use (Houses of Multiple Occupation) for apartments 9 and 10		
Applicant	Sherwell House Management Ltd		
Application Type	Full Application		
Target Date	25.07.2018	Committee Date	19.07.2018
Extended Target Date	N/A		
Decision Category	Service Director of SPI		
Case Officer	Mr Chris King		
Recommendation	Refuse		



This planning application has been referred to Planning Committee by the Service Director for Strategic Planning and Infrastructure because there are public interest reasons for the matter to be determined by the Committee

1. Description of Site

The application site is situated just north of the City Centre along North Hill and is close the university of Plymouth campus and the recently refurbished Drakes Place and reservoir. North Hill forms part of the A386, a principle thoroughfare from the City Centre leading north towards Mutley Plain district centre. Sherwell House has frontages with Armada Street to the North, North Hill to the west and Marlborough Road to the south. The site is relatively level, but sits approximately 1 storey above Marlborough Rd due to the north to south slope of North Hill.

Sherwell House itself dates back to 1874 as a temporary girl's school. From 1893 to 1894 it is shown to have been redeveloped with the historic Sherwell House and grounds having been demolished and rebuilt within the application area possibly as a purpose built language school and substantial private residence including a coach house. Over the last two decades the Sherwell House has been used as an office for a variety of firms, and in more recent times the building and coach house has been converted into eleven 1, 2, 3 and 4 bedroom residential flats (Use Class C3) under permitted development.

The area is characterised as a mixed use area including professional offices shops, restaurants, bars and takeaways however the predominate use in the area is residential including C3 Dwellings and C4/Sui Generis Houses of Multiple Occupations and student flats.

2. Proposal Description

Retrospective continuous C4 Use (Houses of Multiple Occupation) for apartments 9 and 10

3. Pre-application Enquiry

None

4. Relevant Planning History

17/01873/FUL - Change of use of units 4, 8 & 10 from dwellings (Class C3) to house of multiple occupation (HMO) (Class C4) - Withdrawn

17/00760/FUL - Erection of building containing 7 Houses of Multiple Occupation (HMOs) (Class C4 and Sui Generis) and 7 flats (Class C3) and associated bike & bin storage (demolition of existing coach house) - Permitted with S106 Agreement

15/01881/GPD - Change of use from B1 office to C3 residential (11 dwellings) - Prior approval not required

05/00798/FUL - Change of use to language school (Class D1) - Permitted

04/02294/FUL - Change of use of ground and first floor of main building and ground floor of annexe to child nursery (Use Class D1) - Refused

5. Consultation Responses

Local Highway Authority - No Objections

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 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 1 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 2013

5 Year Housing Land Supply

When determining applications for residential development it is important to give consideration to housing supply.

Paragraph 47 of the NPPF stipulates that "to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"

Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22

against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

It should be noted, however, that the Local Planning Authority is at an advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council and has since been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Nonetheless, the council's current position on this matter is that the pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representation which are to be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- o Available to develop now
- o Suitable for residential development in terms of its location and sustainability; and
- o Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...

For decision-taking this means:

- o approving development proposals that accord with the development plan without delay; and
- o 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, when assessed against the policies in this framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted"

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, the city's housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

8. Analysis

1. 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.

2. The principle issues relating to this planning application are considered to be impact on community balance, suitability of the accommodation and local highways. The development has therefore been considered against Policies CS01 (Development of Sustainable Linked Communities); CS15 (Overall Housing Provision); CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

3. The proposal also turns upon Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), DEV10 (Delivering high quality housing); DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area); DEV20 (Place shaping and the quality of the built environment) and DEV31 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

Principle of Development

4. HMO's can make a valuable contribution to Plymouth's private rented housing stock, however, HMO's can also have a detrimental impact on residential character and community cohesion and high concentrations can result in harmful impacts including:

- * Imbalanced and unsustainable communities;
- * Pressure upon local community facilities;
- * Negative impacts on the physical environment and streetscape;
- * Anti-social behaviour, increased levels of crime, noise and disturbance;
- * Issues with parking provision and traffic congestion;
- * Community tensions and lack of cohesion.

5. For these reasons, in 2012, the Council enforced an Article 4 Direction across centrally located neighbourhoods in Plymouth.

6. The Direction sought to address concerns about the over-concentration of HMOs and removed permitted development rights to change a dwelling house into a HMO; such changes of use have since required planning permission.

7. The adopted policy position regarding HMOs is set out within the Development Guidelines Supplementary Planning Document First Review (2013) however, a more up to date draft policy is included within the Joint Local Plan (2017) (JLP), which is currently being examined by an independent planning inspector. When planning applications are being considered, regard should be had to existing and new emerging planning policies. The following information is provided to assist with the assessment of planning applications against the requirements of the emerging JLP.

8. The proposal seeks retrospective permission for C4 use (HMO) for apartments 9 and 10. The proposed site is located within the designated Article 4 Direction Area and is considered to be inconsistent with the Local Planning Authorities Joint Local Plan, in particular Policy DEV11 'Houses in Multiple Occupation in the Plymouth Article 4 Direction Area' and SPT2 Sustainable linked neighbourhoods and sustainable rural communities'.

9. The property is located within an area covered by an Article 4 Direction which requires an application for planning permission for a change of use from a C3 dwelling to an HMO of 3 to 6 occupants (Use Class C4). Applying the current methodology for assessing concentration of HMOs, officers can confirm that 56.5% of the dwellings within 100 metres of the application site are existing HMOs. Paragraph 2.5.14 of the Development Guidelines SPD sets a recommended threshold of 25% HMO's within 100 metres of the application site.

10. In addition to the current methodology, the Council has developed a more up to date system in support of Policy DEV11 of the Joint Local Plan. Criterion one of Policy DEV11 states that the Local Planning Authority will not support applications for Homes in Multiple Occupation unless 'the proportion of dwelling units in multiple occupation (including the proposed site) does not exceed 10% of the total dwelling stock within 100 metres of the application site'.

11. 2017 Council data confirms that there are 140 dwellings (existing and planned) within 100 metre radius of 30 North Hill of which 96 of these are HMOs. This would equate to 68.6%. This data has been informed by Planning Consents data, Council Tax records and the HMO register. It is clear that the proposed development would conflict with the requirements in Policy DEV11 part 1 as the proportion of dwelling units in multiple occupations would exceed the 10% threshold set out in Policy DEV11.

12. Council records show the proposal would increase the proportion of HMOs in the area to 70%. Officers have taken account planning permission that have been granted for residential properties (known as the development pipeline) and confirms the proportion of HMOs within a 100m radius would be approximately 68% should existing planning consents be implemented (planning references 16/02274/FUL and 17/00760/FUL).

13. In accordance with the requirements of part 2 of Policy DEV11, the proposal would not sandwich a C3 dwelling unit between two HMO properties.

14. Not reflected in the statistics above, but perhaps also worth considering is the large purpose built student accommodation proposal that has recently been given planning consent (planning reference 17/02091/FUL) situated a short distance from the proposed site at 41 North Hill. This accommodation caters for the needs of Plymouth's student population and provides 66 bed spaces for co-living or independent living, which skews the overall housing offer in this part of the city. Taking this into account, officers consider that the proposal is contrary to Policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities in the Joint Local Plan, whereby criterion 5 seeks to 'Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services'.

15. In addition, members will recall planning application 17/00760/FUL which proposed a large extension to Sherwell House containing 7 Houses of Multiple Occupation (HMOs) (Class C4 and Sui Generis) and 7 flats (Class C3). This application was finely balanced and took into account many factors, including the existing uses of the 11 units within Sherwell House itself. It is now clear that the recommendation and decision was made on the assumption that all the units were occupied as C3 Dwellings (obtained from the applicants own supporting documents). Whilst the decision is irreversible, had the information shown that HMOs were within Sherwell House itself already then a different officer recommendation may have been made to members.

16. Therefore the principle of this proposal is considered unacceptable by officers and would have a harmful impact upon the housing profile within the area.

Standard of Accommodation

17. The proposal does not propose any internal or external modifications to facilitate the use, however it is noted that the size of the two units are substandard for the purpose of being a HMO. Core Strategy policy CS15 states that houses of less than 115m² gross floor areas are not suited for conversion to HMOs or flats. Policy DEV10(8) states that 'Houses in Multiple Occupation will only be permitted where the proposal:

- i. Provides adequate communal space for residents including sufficient space to accommodate cooking, dining, bathroom and toilet facilities.
- ii. Provides a good standard of accommodation and living.'

18. The conversion of Sherwell House from B1 Office to C3 Residential was undertaken through the Prior Approval process, under Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. This process permits the conversion B1 Office to C3 Residential without requiring full planning permission. This process however, does not require and assessment of the size of the proposed dwellings.

19. Planning permission is required for the proposed change of use; therefore it is the role of officers to consider if the two units are of a suitable size for their proposed use. Officers can advise that both flats (unit 9 and unit 10) are 75m² in area, significantly under the requirements of policy CS15. This also falls below the requirements of a 4 bed flat set out in the Nationally Described Space Standards which requires a minimum of 90m² therefore a good standard of living cannot be assured and is contrary to the requirements of Policy DEV10 point 5.

20. Officers have taken the view that both flats are of an insufficient size to adequately accommodate 4 persons the proposal is therefore in conflict with Policies CS15 and CS34 of the Core Strategy, para 2.5.23 of the Development Guidelines SPD and Policy DEV10 of the Joint Local Plan.

21. Notwithstanding the above, it is the view of officers that these units may be better suited if converted into 2no 2 bed flats that offer a higher standard of living and amenity.

Marketing information

22. The applicant has provided marketing information relating to these properties. The marketing information suggests that there is no demand in this location to rent these properties as family dwellings, which given the size, layout and advertisement boards marketing student accommodation (omitted from the images submitted by the applicant), officers do not contest. It is important to acknowledge that the Town and Country Planning (Use Classes) Order 1987 (as amended) Class C3 Dwellinghouse is not just for use by a family, but numerous other sections of the community, for example:

- * A single person
- * Two unrelated persons

23. Subject to internal alterations, these two apartments could be altered in layout creating 2no 2bedroom apartments with increased living areas. This would clearly be a more attractive place to live, and would be more in keeping with the housing stock within Sherwell House.

Officers have looked at other properties on the market of a similar standard within a comparable distance to the city centre and are of the view that a 2 bed apartment could potentially yield a similar return, whether let to students, young professionals or any other group as permitted under Class C3.

24. Notwithstanding the issues identified with the planning application, the evidence is not robust enough to persuade officers to accept the proposed change of use.

Local Highway Authority

25. The Local Highway Authority does not wish to raise any objections to this application from a highway viewpoint. It should also be noted that the building will continue to be excluded from the Controlled Parking Zone that is in operation within the area. Sufficient cycle storage is already provided on site.

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 to consider

11. Planning Obligations

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

12. Equalities and Diversities

None to consider

13. Conclusions and Reasons for Decisions

The proposed retrospective change of use of these two apartments would result in an overconcentration of HMOs within 100m of the application site which will create an unbalanced community. Furthermore, the apartments are not considered sufficient in size to provide an adequate standard of living and amenity for the future occupiers. Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act

2004, officers have concluded that the proposal does not accord with policy and national guidance and is therefore recommended for Refusal.

14. Recommendation

In respect of the application dated 30.05.2018

it is recommended to Refuse

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

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 **REFUSAL: OVERCONCENTRATION OF HMOS**

The property is situated in a location that has a high concentration of residential properties that are 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, Paragraphs 2.5.9 - 2.5.19 of the Development Guidelines Supplementary Planning Document, Policies SPT2 and DEV11 of the emerging Plymouth and South West Devon Joint Local Plan and Paragraph 50 of the National Planning Policy Framework.

3 **REFUSAL: SUBSTANDARD ACCOMMODATION**

The Local Planning Authority considers that apartments 9 and 10, by virtue of their existing size and layout, do not provide sufficient internal living space for the purposes of being a House of Multiple Occupation (Class C4) as proposed. The proposal is therefore contrary to

Policies CS15 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021), Policy DEV10 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034), Paragraphs 2.5.23 to 2.5.25 of the Development Guidelines Supplementary Planning Document First Review 2013, the Technical Housing Standards - Nationally Described Space Standard, DCLG, March 2015 and guidance contained within the National Planning Policy Framework 2012.

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 REFUSAL (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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. 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.

3 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- Bryce Properties: Listing Information
- Lang Town and Country Letter
- Management Plan
- Simply Property Plymouth Letter
- Supporting Statement
- Transport Statement