

PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00923/FUL	Item	02
Date Valid	17.06.2019	Ward	ST PETER AND THE WATERFRONT
Site Address	201 Citadel Road East Plymouth PL1 2JF		
Proposal	Change of use from dwellinghouse (Class C3) to 6-bed HMO (Class C4)		
Applicant	Mr & Mrs Robbins		
Application Type	Full Application		
Target Date	12.08.2019	Committee Date	15.08.2019
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Chris Cummings		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Penberthy.

1. Description of Site

201 Citadel Road East is an end terrace property previously in operation as a guesthouse, but recently converted to a single dwelling (Class C3). The site is at the end of Citadel Road East with the western side fronting Hoe Approach. The rear of the site has a courtyard with access onto a rear lane shared with Hoe Gate House and dwellings in Hoe Gardens. The site is located within the Barbican Conservation Area.

2. Proposal Description

Change of use from dwellinghouse (Class C3) to 6-bed HMO (Class C4)

3. Pre-application Enquiry

None

4. Relevant Planning History

82/00027/FUL - Change of use of dwelling house to guest house - Granted conditionally

89/02940/FUL - Single-storey rear extension in rear yard - Granted conditionally

02/01174/FUL - Formation of owner's accommodation rooms in roof space (including rear dormer window), rear conservatory and raised decking and single-storey rear extension to basement-level laundry - Refused

02/01715/FUL - Formation of owner's accommodation in roofspace (including rooflights), rear ground-floor conservatory, and single-storey rear extension to basement-level laundry - Granted conditionally

19/00088/FUL - Change of use from guesthouse (Class C1) to dwelling (Class C3) - Granted conditionally

211 Citadel Road East

19/00667/MOR - Pre-application for change of use to HMO (C4 use) - Pending Consideration

213 Citadel Road East

95/00949/FUL - Change of use and conversion to from two maisonettes - Granted conditionally

5. Consultation Responses

Local Highway Authority - No objection as site is within Controlled Parking Zone in operation 24 hours per day, 7 days per week and could be considered 'car free' development. Recommended condition for 6 secure cycle parking spaces and that the property will be excluded from obtaining tickets for the CPZ.

Community Connections - No objection and advised to use PCC HMO standards. Property will be subject to a separate HMO license.

Historic Environment Officer - No objection to proposal (verbal response)

Hoe Neighbourhood Forum - no comments received

Public Protection Service - No comments received

6. Representations

Four letters of representation have been received objecting to the proposal due to:

- Increase in noise levels from HMO
- Impact on parking due to oversubscribed Controlled Parking Zone.
- High level of HMOs in the surrounding area
- Pressure on public services
- Manipulation of the system by applicants due to recent granting of C3 (single dwelling) use.
- Out of keeping with Conservation Area
- Unauthorised HMOs in the area

With regards to the 'manipulation of the system', the Local Planning Authority has no control over what proposals are submitted to them by applicants. This application will be fully assessed against national and local policy and guidance and will have had the same considerations should the existing use still be that of a guesthouse (Class C1).

In relation to unauthorised HMOs in the area, the representation states that these have been reported separately. The alleged unauthorised use is being investigated by the Council and formal compliance action will be taken as necessary.

The other considerations raised will be dealt with in the assessment section of this report.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Barbican Conservation Area Appraisal and Management Plan
- Development Guidelines Supplementary Planning Document

8. Analysis

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

Principle of Development

2. The site is within an area covered by an Article 4 Direction, introduced in September 2012, which requires planning permission for a change of use from a single family dwelling (Class C3) to a small house in multiple occupation (HMO) of three to six occupants.

3. Policy DEVI I of the Joint Local Plan sets out that HMOs will only be supported if the proportion of dwelling units within a 100 metre radius of the application site does not exceed 10%. The Council's records show that the surrounding area has an existing level of 4.08% that would increase to 4.76% including the application site. This is below the 10% threshold and therefore acceptable.

4. Policy DEVI I also states that new HMO's should not create the sandwiching of a C3 dwelling between two HMOs. The Council's records show that no sandwiching will be created by this proposal.

5. Officers therefore consider that the application complies with Policy DEVI I of the Joint Local Plan.

6. The Development Guidelines SPD states in Paragraph 2.5.23 that houses of less than 115sqm gross floor space are not suitable for conversion to HMOs. Whilst this was originally created for large HMOs, it should still be taken into account for smaller (Class C4) HMOs. The total floor space of the application building is approximately 270sqm, well in excess of this level and complies with the Development Guidelines SPD.

Occupant Amenity

7. The property is a large 4 storey building and is considered to provide a good level of total floor space for occupants. The property is an existing dwelling and as such the Nationally Described Space Standards (NDSS) do not directly apply, however they can be used, alongside the Plymouth City Council HMO License Standards to provide guidelines to ensure adequate amenity for occupants. The NDSS would require a 6-bed dwelling to have 129sqm of floorspace, with the floor area of the site being in excess of this with 270sqm floorspace.

8. There are 6 bedrooms proposed, with the smallest being 13.75sqm and the largest 16.7sqm. There are two shared lounges and a shared kitchen and the provision exceeds the minimum levels set out in both the NDSS and the HMO License Standards.

9. It is noted that there are a smaller rooms that were previously used as guest bedrooms in the former C1 use, however these are proposed to be used for storage, rather than bedrooms. The application is for a 6-bed HMO and any use of these rooms as an additional bedroom would create a Sui Generis use of the site and separate consent would be required to assess the amenity level for occupants and neighbouring properties. An informative is recommended to be placed on any approval notice to advise the applicant of this restriction and need for separate planning consent.

10. The property will also be subject to an HMO License from the Council which will need to comply with the HMO Standards and ensure it is of an adequate condition. An informative is recommended to be placed on the decision notice to advise the applicant of this requirement.

11. Externally the site has 47sqm of external amenity space. Paragraph 2.8.27 of the Development Guidelines SPD recommends a minimum level of 50sqm for a terraced dwelling, with no specific provision for any use as an HMO. The SPD also states in Paragraph 2.8.26 that in older, more densely developed areas of the city 'it is not unreasonable to assume outdoor amenity space provision might be lower'. In this instance the site is within an older area of the city, the level of provision is similar to that of neighbouring properties and it is located almost adjacent to Plymouth Hoe, offering plentiful public amenity space. As such, the external amenity space provision is considered acceptable.

12. The proposal therefore accords with Policies DEVI and DEVI0 of the Joint Local Plan in regards to occupant amenity.

13. The proposal is for a 6-bedroom HMO (Class C4) and any increase in occupant numbers would take the property out of Class C4 and become a sui generis use. The proposal has been assessed as a 6-bed HMO, rather than a larger HMO and as such it is considered appropriate to place a condition

Neighbour Amenity

14. HMOs have the potential to create increase in noise and other pollutants and affecting the character of the surrounding area. In this instance there are a low level of HMOs in the surrounding area, as previously detailed, and therefore the impact on the amenity of the surrounding area is considered to be limited in line with Policy DEVI I. The site will also be subject to an HMO License and the property will need to be maintained to a certain standard and contact details for the owner

will be held by the Council as part of that license meaning any issues arising can be dealt with appropriately by the relevant department.

15. There is an intensification of use from the use as an HMO and it is considered appropriate to ensure that adequate bin storage is provided and bins are retained in this area at all times except for collection day. The applicant submitted revised plans showing a bin storage area and a condition is recommended on any approval to ensure this area is made available prior to first occupant and retained thereafter.

16. The proposal is therefore not considered to generate significant amenity impacts in accordance with Policies DEV1 and DEV2 of the Joint Local Plan.

Historic Impacts

17. The site is located within the Barbican Conservation area. There are no external alterations proposed to the building and the use will still be that of a dwelling, albeit that of an HMO rather than a single family dwelling. The Council's Historic Environment Officer was consulted on the proposal and raised no objections.

18. The application is therefore considered to comply with Policy DEV21 of the Joint Local Plan and will not generate significant harm to the Conservation Area and its setting.

Highway Considerations

19. An HMO would normally be expected to provide no.1 off-street parking space for every no.2 bedrooms, however there is no off-street parking available and there is no capacity to create any within the application site. The Local Highway Authority were consulted on the proposal and raised no objection, advising that the site is located within an area covered by a Controlled Parking Zone (CPZ) in operation 24 hours per day, 7 days per week. This CPZ restriction meets the criteria set out in Paragraph 8.5.2 of the Development Guidelines SPD and the proposal could be considered car free development and is therefore acceptable in terms of vehicular parking demands.

20. As outlined in Paragraph 8.5.3 of the SPD the change of use would mean the property will be excluded from obtaining any parking permits for the already oversubscribed CPZ.

21. The Local Highway Authority recommended a condition requiring secure cycle storage for no.6 bicycles at the property. The minimum standard set out in Table 8.2 of the SPD is for no.1 space per no.2 bedrooms, however in this instance due to the absence of any car parking provision at the site it is considered appropriate to require a higher level of cycle storage provision. The applicant has revised the submitted plans to include secure cycle storage and a condition is recommended to ensure this is provided prior to first occupation and retained thereafter.

22. The proposal is therefore not considered to generate significant highway impacts and accords with Policy DEV29 of the 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 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

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

The proposal is within the HMO threshold levels and will provide a good standard of amenity for occupants. Through the use of conditions there are not considered to be any significant neighbour amenity or highway impacts generated.

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 is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 17.06.2019 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

1 CONDITION: APPROVED PLANS

Block Plan 29052019 - Received 07/06/19
Site Location Plan 29052019 - Received 07/06/19
Proposed Floor Plans 10072019 - Received 09/07/19
Existing Floor Plans 14062019 - Received 14/06/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

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: CYCLE PROVISION

PRE-OCCUPATION

The approved house in multiple occupation shall not be occupied until the secure cycle storage area shown on the approved plans has been made available for secure storage, including separate locking facilities for each cycle, for no.6 bicycles. 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 DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

4 CONDITION: BIN STORAGE

PRE-OCCUPATION

The approved house in multiple occupation shall not be occupied until the bin storage area shown on the approved plans has been made available for use. The bin storage area shown 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. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

5 CONDITION: NUMBER OF BEDROOMS

The change of use hereby approved is restricted to a maximum of no.6 bedrooms. Any additional bedrooms requires full planning permission from the Local Planning Authority as it would fall under a separate use class.

Reason: The proposal has been assessed as a small House in Multiple Occupant (Class C4) and the potential impacts of a large House in Multiple Occupation (Sui Generis) have not been fully considered in relation to occupant and neighbour amenity impacts as set out in Policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

INFORMATIVES

I 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 the National Planning Policy Framework 2019, 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: NUMBER OF BEDROOMS

This application grants permission for use of the property as a 6-bedroom HMO, falling within Use Class C4. Any increase in the number of occupants within the property would become a large HMO of 7 or more occupants under use Sui Generis and require separate planning approval to ensure the intensification of use was acceptable.

4 INFORMATIVE: HMO LICENSE

The property is likely to require a separate HMO License from the Council. Details of the license and how to apply can be found online at <https://www.plymouth.gov.uk/housing/privaterentedaccommodation/housesmultipleoccupationhmo/applyhousemultipleoccupationlicence>

5 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.