

PLANNING COMMITTEE REPORT

23 January 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 17/02668/FUL - 44 Higher Brimley Road - Change of use of dwelling to HMO (House in Multiple Occupation)	
APPLICANT:	Dr O Nawoj	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Eden Councillor Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02668/FUL&MN	





1. REASON FOR REPORT

Councillor Orme has requested that this application be considered by Planning Committee for the reasons set out in the Town Council's comments.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Precise details of all boundary treatments to be agreed
4. Maximum of 9 residents including a resident manager to occupy the property at any one time
5. Bin storage and management details in accordance with refuse strategy statement

3. DESCRIPTION

3.1 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.

3.2 Members may be aware that a previous application, reference 17/01117/FUL (Change of Use from dwelling to HMO (house in multiple occupation)) was refused under delegated powers on 17 July 2017 for the following reasons:

1. *The proposal fails to demonstrate suitable waste management arrangements for the site, which could lead to adverse impact on the streetscene and consequently the setting of the adjoining listed building, contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033; and,*
2. *The proposal would fail to secure a good standard of amenity for the future occupiers of the site and of existing adjacent occupiers at 42 and 46 Higher Brimley Road contrary to paragraph 17 of the National Planning Policy Framework and Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.*

This application seeks to overcome these reasons for refusal.

3.3 The application site is a three storey, mid-terraced house, set in row of three residential properties. The adjoining dwelling to the south is Grade II listed. Both adjoining dwellings are two storey. The site is not within a Conservation Area but it is within the defined Settlement Limit wherein residential development is supported in principle.

3.4 The proposal seeks to convert this large property to a House in Multiple Occupation (HMO) with 9 letting rooms. The supporting statement advises that whilst no parking is proposed it is in a sustainable location, within walking distance of public transportation (rail, bus and taxi services) and within walking and cycling distance of the Town Centre of Teignmouth with its services and amenities. No external

alterations are proposed and private amenity space is available on site within which no new structures are proposed. Therefore its outward appearance will not change, only be enhanced through refurbishment.

- 3.5 The internal layout of the property is unconventional, having a front door (shown on the "Street Level Plan") leading directly onto a staircase which runs down into the lower ground floor accommodation (Ground Floor Plan) which in turn gives access from a utility room and also a kitchen room out into the garden and another staircase giving access to all three floors. A revised plan has been received showing a rear access route which runs between the attached house to the north and its neighbour down to the garden level and through an existing outbuilding shown as a bicycle store into the garden proper.
- 3.6 The garden area is relatively small, smaller than the footprint of the application building: however, a large tree, which previously covered approximately half of that available garden area, has been removed since the previous application was determined.
- 3.7 The proposed 9 letting rooms comprise:
- Three bedrooms on the ground floor, 2 of which have their own w.c.s and one has use of a separate w.c.. All three have cooking facilities.
 - Two rooms on the first floor which are en-suite and there is a separate kitchen/dining area and a separate shower room.
 - Four bedrooms on the second floor, one of which is en-suite, together with a separate shower room.
- 3.8 The application has been revised since submission and is now also supported by a Street Level Plan which illustrates a bin storage area accessed through the front doorway, which is not proposed to be altered. A layout/block plan showing the extent of the site and position of the side access lane is also included, together with a signed Certificate giving notice to the landowner of 48 Higher Brimley Road.
- 3.9 It is considered that the waste management issues have been addressed. The application includes a Refuse Strategy Statement that identifies that the responsibility to ensure that the bins are taken to and returned from a collection point each week would that of the resident Property Manager. It has been demonstrated that the site can store the requisite waste wheelie bins and boxes and the proposed new facility is supported by the Council's Waste Management section.
- 3.10 It is considered that the amenity space issues have in part been addressed as the rear garden area is no longer dominated or overshadowed by the large tree which existed at the time of the last application and, in addition, this application is now supported by a block plan which shows a rear access point, existing outbuildings for storage and cycle storage and sufficient space for washing lines as well as sufficient outside amenity space for its occupants within the terraced garden area.
- 3.11 A 1.7 metres high rear fence is proposed which will prevent the occupants of properties to the rear being overlooked at close quarters from the rear garden area, and side neighbours are unlikely to be detrimentally affected due to the position of those existing outbuildings and boundary walls. However, a condition is recommended to further protect and enhance the boundaries to prevent noise and

any overlooking issues from the garden. It should be noted that the occupiers of the neighboring properties are overlooked to some extent by the rear windows at present.

- 3.12 It should be noted that, as the site is in a sustainable location with regard to access public transport, shops and services, no off-street parking would be required for the proposal.
- 3.13 It is considered that this application has overcome the previous reasons for refusal and that planning permission should therefore be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Cleansing and Market Services (Waste) - Following additional information being provided by the developer of this site, I am happy that the waste and recycling requirements are now being met for the site.

Housing Services - Since I responded to the original Planning Consultation on the 15 June 2017 there would appear to have been a few amendments to the scheme to ensure that the room sizes comply with our minimum adopted space standard of 10 square metres for bed-sitting rooms with no communal lounge area and the addition of a sprinkler system covering the kitchen area and means of escape.

Generally, having a means of escape through a room of 'high risk' such as a kitchen is not deemed acceptable, however the installation of the sprinkler system may partly mitigate this and would be reflected in the fire risk assessment for the building. However, I would suggest that you consult Devon and Somerset Fire and Rescue Service and get their comments on this issue.

I trust that this explains the situation from a housing perspective for a property that would require a mandatory licence as a House in Multiple Occupation and would therefore ask that you keep me informed of progress with this application.

Fire Safety Officer (South Devon Group) - We have no objections in principle to the change of use of the building to a HMO, however we await the full Building Regulations application to comment on the suitability of the scheme in regards to compliance with the Approved Document B and the Regulatory Reform (Fire Safety) Order 2005.

Tree Officer - There are no arboricultural objections to the application as no significant trees within or adjacent to the proposal will be adversely affected.

Devon County Council (Highways) - Comments awaited.

6. REPRESENTATIONS

23 objections received raising the following points:

1. Lack of existing parking in road
2. Area already congested
3. Unsuitable for young professionals (lack of private bathrooms, small rooms, communal areas small)
4. Overdevelopment of site
5. No provision of a fire escape
6. Overbearing effect of so many occupiers on immediate neighbours
7. Noise impacts
8. Bin storage proposals on highway unhygienic and detrimental to visual amenity
9. Existing residents' parking scheme has not been successful
10. Should be 3 flats
11. Outside the residents' parking area
12. More cars will restrict access for emergency vehicles
13. Overlooking to rear
14. Light pollution
15. Fire risk – lack of clear evacuation route
16. Pavement too narrow
17. How will in-house property manager manage the house?
18. Use is out of character with area
19. Not much change since previous refusal
20. No more than hostel accommodation
21. Impact on adjoining listed building (forms part of it)
22. Poor access
23. Does not conform to Fire Regulations/Building Regulations
24. Not sustainable development
25. Poor standard of amenity for occupants
26. Recycling problems (lack of recycling leading to unemptied bins)
27. Should be a planning condition regarding an on-site caretaker
28. Should be a temporary use
29. Permitted Development Rights should be removed for replacement windows, etc.
30. Should be housing for key workers
31. Double units (18 residents) is too high a density
32. Does not meet minimum standards

7. TOWN COUNCIL'S COMMENTS

After considerable discussion the Committee recommended that the case officer and Teignbridge District Council Planning Committee refuse this application because:

1. In proposed drawings 27-02-17 (ground floor No. 2017-HB02-04/ (first floor No. 2017- HB02-05)/ (second floor No. (2017-BH02-06) all show the studio rooms with double beds measuring 1525 x 1980. This indicates that the applicant is expecting up to 18 residents within the property at any given time.

2. An e-mail with the application document mentions (10 October 2017 and 26 October 2017) “for a HMO for 9 residents, we would look to supply 2 x 180 litres bins, 2 x 55 litres green boxes, 2 x 55 litres black boxes and 2 x 23 litres food waste caddies”.
3. The Committee are disappointed that a discrepancy in the likely number of residents in the premises and the request for information regarding waste bin containers for only 9 residents appear to be misleading. The proposed drawing (2017-HB02-04) showing the bin store would be totally inadequate for this application.

The committee strongly recommends refusal

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place