

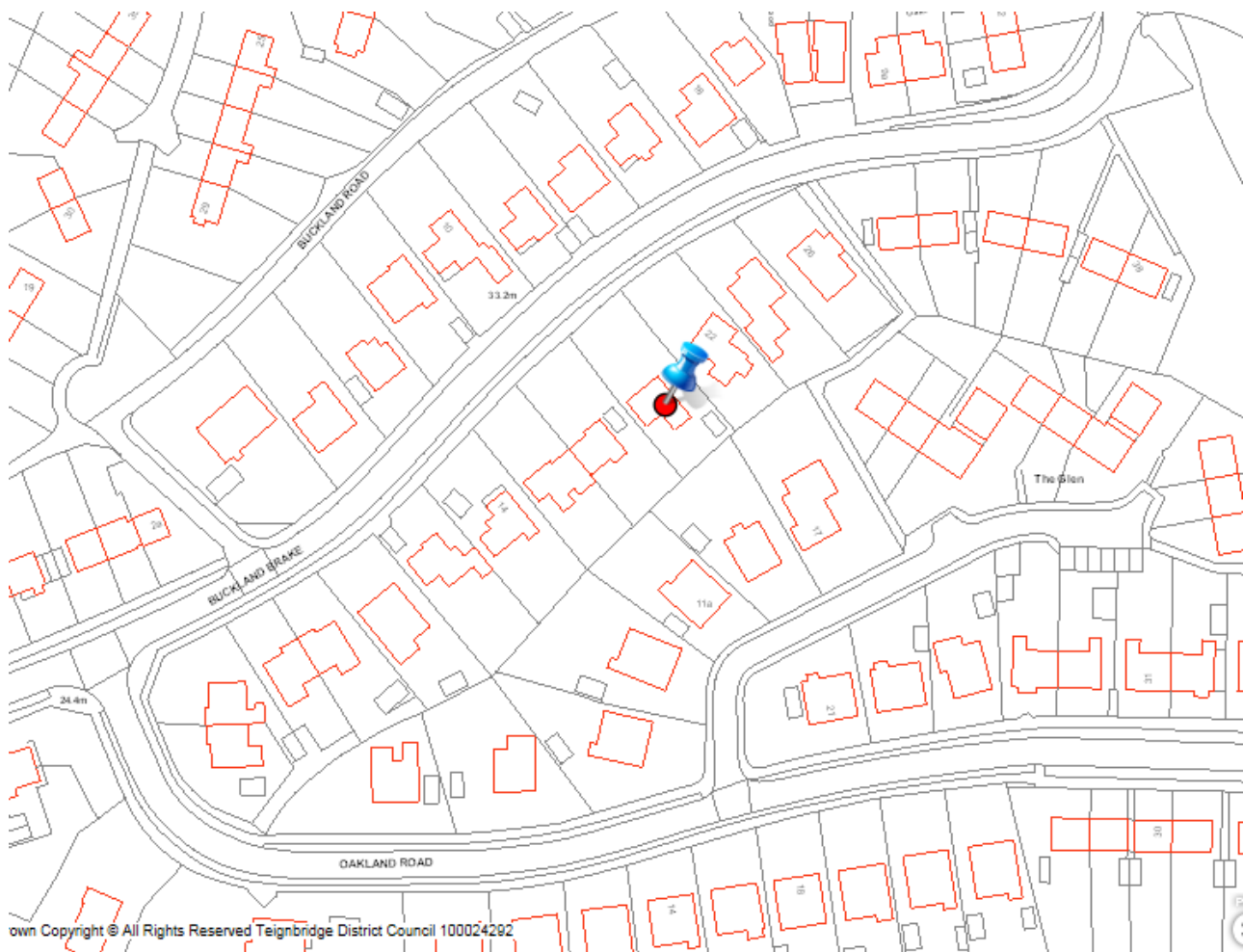
PLANNING COMMITTEE REPORT

17 April 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 17/03073/FUL - 20 Buckland Brake - Change of use of House in Multiple Occupation 6 persons (Use Class C4) to HMO for up to 8 persons (Sui Generis)	
APPLICANT:	Morph Developments Ltd	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor G Hook Councillor Parker Councillor Winsor	Buckland And Milber
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/03073/FUL&MN	





1. REASON FOR REPORT

Councillor Parker has requested that this application be considered by Planning Committee regardless of the recommendation for the following reasons:

- Adverse effect on amenity of occupiers of neighbouring properties
- Concern over access
- Inadequate parking on site
- Parking issues
- Lack of clarity over process

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions.

- 1 Development to be carried out in accordance with the approved plans
- 2 Notwithstanding Condition 1 the use shall be for a total of no more than 8 persons
- 3 Notwithstanding the submitted information, details of the boundary treatments shall be submitted for approval
- 4 Landscape scheme to be submitted for approval
- 5 Details of the cycle and bin stores to be submitted for approval

3. DESCRIPTION

3.1 At the request of the Agent the description of the application has changed from:

- Change of use of House in Multiple Occupation 6 persons (Use Class C4) to HMO for up to 9 persons (Sui Generis) to:
- Change of use of House in Multiple Occupation 6 persons (Use Class C4) to HMO for up to **8 persons** (Sui Generis)

3.2 The application site was until recently a dwelling house although it does not appear to have been occupied for some time prior to its acquisition by the Applicant.

3.3 In 2017, planning approval was granted for the "*Erection of proposed ground floor side/rear extension and replacement rear extension*" reference 17/01780/FUL on 18 September 2017

3.4 This was followed by an application for a Certificate of Lawfulness of Proposed Development for "*proposed change of use from C3 (single residential dwelling house) to C4 (house of multiple occupation)*", which would allow the property to be occupied by 6 people.

3.5 It was determined that the proposed change of use would constitute permitted development under Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended). The Certificate of Lawfulness was therefore issued on 6 November 2017.

3.6 Works on the approved extensions have commenced site and this current application was received on 15 January 2018.

- 3.7 It should be noted that a further application, reference 18/00477/FUL, for the “*Erection of ground floor side/rear extension and replacement rear extension (revised scheme)*” was received on 2 March 2018 and is currently under consideration. This proposal was submitted following reports that the extension was not being built in accordance with the approved plans, i.e. built slightly shorter and with minor alterations to the size of the door openings, the size of the roof and an additional roof light had been added.
- 3.8 That further application is being considered as a separate case, however, it should be noted that for consistency the case officer has asked for corresponding plans to be submitted for both these outstanding applications.
- 3.9 This application seeks to use the former dwelling as a house in multiple occupation for up to 8 persons, using the almost fully constructed extensions to provide 5 en-suite bedrooms on the ground floor, together with a kitchen/dining room, and laundry/boiler room, and 3 en-suite bedrooms on the first floor.
- 3.10 5 car parking spaces are proposed within the front garden, together with a bin store and cycle store (although no details are submitted for these structures). There is also a small rear garden.
- 3.11 The proposals do not introduce any new side elevation windows on the boundaries with 18 and 20 Buckland Brake. There is an internal staircase so no external fire escape is proposed. A cycle store and a bin store area are indicated on the submitted plans to the front of the building near to the western boundary. There is clearly sufficient space on site to accommodate these facilities, which can therefore be subject to a condition to determine the exact location, design and form.
- 3.12 As confirmed by the Certificate of Lawfulness, the use of the site can be changed from a single dwelling house to a use accommodating up to 6 persons as a House in Multiple Occupation (HIMO) as it is “permitted development” and does not therefore require formal planning consent. The Certificate of Lawfulness recently granted was sought for clarity. It was not a requirement of the planning legislation.
- 3.13 This being so it is necessary to point out that the increase in occupants at the site is from a legal 6 persons to a newly-proposed 8 persons.

Principle of the development/sustainability

- 3.14 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. In this case it is considered that the principle of the development is sustainable for the following reasons.

Impact upon the character and visual amenity of the area/open countryside

- 3.15 The proposal (although illustrating minor physical changes from the approved householder scheme) does not introduce any further extensions to the house over and above those already approved.

- 3.16 However, it should be noted that a car parking area is to be created within the front garden. This is shown on the proposed drawings as being screened on three sides.
- 3.17 It is considered that a condition could be added to ensure that a landscape scheme is imposed which would retain the front wall and hedgerow and side hedging, to screen the parking area to an extent whereby it would have little or no adverse impact on the character and appearance of the area. With such a condition the development would be in accordance with Policies S1 and S2 of the Teignbridge Local Plan 2013-2033.

Impact on residential amenity of surrounding properties

- 3.18 As the fabric of the structure is not being substantially altered from the previous approved scheme (other than that described above), the extent of the consideration of the impact of this proposal on neighbouring residential amenity lies with the difference in impact of 6 persons at the site to 8 persons at the site, rather than a family home to 8 persons living at the site. These would relate to possible noise and disturbance and loss of privacy.
- 3.19 With regard to noise and disturbance, Members may recall the recent appeal decision for 32 Devon Square, which was a proposal for 8 habitable rooms, when the Inspector raised concerns, when dismissing the Appeal, about the limited amount of internal amenity space giving rise to an intensified use of the outdoor amenity space by the occupants, and consequent noise and disturbance for the adjoining neighbours.
- 3.20 He discussed the impact of internal transfer of noise and its impact on the occupiers of neighbouring properties and he looked at the fall-back position of 6 residents and advised that a 6 person HIMO would result in more usable communal living space.
- 3.21 It is important to note, however, that this scenario involved a terraced house which is a grade II Listed Building whereby it would consequently be extremely difficult to justify and apply adequate soundproofing. This application site is a detached dwelling, soundproofing should be controlled by the application of the Building Regulations and, in this case, there is more external space, albeit mostly used for parking, on the property which would accommodate residents outdoors.
- 3.22 Furthermore, boundary treatments, if sufficiently robust, could be provided in a way which would not be considered to be harmful to the setting of a listed building
- 3.23 When considering the difference between 6 and 8 residents it is considered that the impact of noise and disturbance would not warrant refusal in this case.
- 3.24 With regard to loss of privacy, two obscure-glazed windows in the original first floor rear elevation (originally lighting a shower room) are proposed to be changed to a presumably clear-glazed window to light a bedroom. It should be noted that the provision of a new or altered window opening in a rear elevation of a house does not require the benefit of planning permission and, in addition, it should be noted that there is approximately 20 metres between the new window and the rear elevation of the nearest neighbour to the rear. This being so it is considered that there is sufficient separation between the rear elevations not to constitute an undue loss of privacy

- 3.25 There are no proposed new openings on the side elevations (other than one additional high level rooflight on the side extension), however, the heights and type and location of the boundary treatment with 22 Buckland Brake has not been clarified, therefore, for the avoidance of doubt, it is considered that the previously imposed boundary treatment condition (on 17/01780/FUL) should be re-applied.
- 3.26 It is considered that the development would accord with Policies S1 and WE8 of the Teignbridge Local Plan 2013–2033 in respect of residential amenity.

Highway safety

- 3.27 The submitted Parking Assessment concludes that *“the streets surrounding the [site] benefit from residual on-street capacity to meet any overspill of parking that may arise from this development. However, it has also been shown that this is highly unlikely given that it has also been shown that the level of parking provided on-site will meet the demands of residents and visitors.”*
- 3.28 Devon County Council Highways have raised no objections. It is therefore considered that there are no justifiable reasons to refuse the application on highway grounds.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Highways) - Note this is based on the original description of the application for 9 residents:

This house is accessed off an unclassified County Route which is restricted to 30 m.p.h.. There has been no personal injury collisions reported to the police in this area between 1 January 2013 and 31 December 2016.

The number of trips this development could generate will not have a severe impact on the existing highway.

The existing 5 parking spaces proposed would be acceptable and I believe this would not cause a highway safety issue.

Therefore the County Highway Authority has no objections to this application.

Fire Officer - This proposal must comply with Approved Document B of the Building Regulations, to include access requirements for the Fire Service vehicles (B5). These include:

Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and a maximum reversing distance of 20 metres.

In addition please confirm provision of appropriate water supplies for firefighting (street hydrants) including appropriate flow rates. Information on this should be sourced from national guidance document on the provision of water for firefighting (3rd edition; Jan 2007)

I also note that the revised ground floor layout plan for improved means of escape from the premises.

Teignbridge Housing Officer - I have visited the development with Officers from Devon & Somerset Fire & Rescue Service.

From discussions with the applicant it would appear that he is endeavouring to provide a good standard of accommodation that will meet the Council's adopted space and amenity standards. However having studied the plans and inspected the site there were concerns over the means of escape from the first floor rooms being either by hanging and dropping from escape windows or through the kitchen (room of high risk).

As a result the applicant has revised the ground floor layout in order to provide a protected means of escape from the property, which has been referred to the Fire Service for comment, however I would recommend that you ensure that DSFRS are consulted enable them to formally respond to this proposal.

I would also advise you that under changes to the HMO licencing proposed for April this year this property will require an HMO licence, I have made the applicant aware and will be making an application in due course.

6. REPRESENTATIONS

67 objections received raising the following points:

1. Concern about impact of increase in on street parking
2. Road is congested and heavily used by through traffic
3. Road safety implications, especially for emergency vehicles
4. Objectors have been misinformed about the proposed use/planning process
5. Insufficient on-site parking
6. No parking proposed for visitors
7. Concern about anti-social behaviour
8. Not in keeping with the streetscene
9. It is a family/elderly person's residential area
10. Would be detrimental to general domesticity of the road
11. Noise issues
12. Overdevelopment
13. External areas will be used more
14. No notification of the Certificate Application for a 6 Person HMO
15. Use will cause friction in the community
16. Overlooking from first floor windows
17. Loss of privacy

18. Incongruous use
19. Producing sub-standard quality of living
20. Should be determined at Committee
21. Concern that they are double rooms, potential 16/18 residents
22. Fire officers concerns should be taken into serious consideration
23. Suggests a site visit is made
24. Congestion is worse in the evening
25. Concern about bin storage to front of property, how will this be managed?
26. How will the property be managed?
27. Concern there will be smoking day/night in the garden areas
28. Concern if dogs allowed
29. Fire risk
30. How will foul drainage system cope?
31. Concern on new door opening onto 22 Buckland Brake
32. Where will fire escape go?
33. Current building work causing trip hazards, etc., on pavement
34. Development does not help the community
35. Inconsistences with planning decisions
36. Boundary issues

7. TOWN COUNCIL'S COMMENTS

The Committee strongly recommended refusal on the grounds of overdevelopment; the adverse effect on the residential amenity and insufficient parking. In addition, the Committee had been made aware that extraneous construction to the rear of the property had commenced.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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