

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2018/3487
<b>Site:</b>	8 Blackthorn Close
<b>Ward:</b>	Wainbody
<b>Proposal:</b>	Change of use from a small House in Multiple Occupation (HMO) (Use Class C4) to a 8no bedroomed large House in Multiple Occupation (HMO) (Use Class Sui Generis) with 1no self-contained unit for 1no person (Use Class C3) (Retrospective)
<b>Case Officer:</b>	Emma Spandley

### **SUMMARY**

The application seeks retrospective planning permission to Change of use from a small House in Multiple Occupation (HMO) (Use Class C4) to a 8no bedroomed large House in Multiple Occupation (HMO) (Use Class Sui Generis) with 1no self-contained unit for 1no person (Use Class C3) (Retrospective)

### **BACKGROUND**

The application site relates to a detached dwelling located on an estate where it is open planned and verdant in nature. The houses may be detached but the gaps between them are small.

The application property relates to a close of 16 houses, however, the turning head has pedestrian links to the wider estate.

There is a restricted parking within the estate.

### **KEY FACTS**

<b>Reason for report to committee:</b>	5 Objections have been received
<b>Current use of site:</b>	Large HMO for 9 persons (Use Class Sui Generis)
<b>Proposed use of site:</b>	Large HMO for 9 persons (Use Class Sui Generis)

### **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions

### **REASON FOR DECISION**

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, DE1, H5, H11 & AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

The application seeks retrospective planning permission to change of use from a small House in Multiple Occupation (HMO) (Use Class C4) to a 8no bedroomed large House in Multiple Occupation (HMO) (Use Class Sui Generis) with 1no self-contained unit for 1no person (Use Class C3) (Retrospective)

Cycle and bin storage will be contained within the back garden.

No external changes are proposed.

### **SITE DESCRIPTION**

The application property is a detached dwelling located on an estate where it is open planned and verdant in nature. The houses may be detached but the gaps between them are small.

The application property relates to a close of 16 houses, however, the turning head has pedestrian links to the wider estate.

There is a restricted parking within the estate.

### **PLANNING HISTORY**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
S/1977/1265-	Proposed additional bedroom to be built over existing garage	Approved - 20/05/1977
L/1989/1906	First floor domestic side extension	Approved - 08/12/1989
L/1990/0362	Bedroom extension and porch/garage roof,	Approved – 05/04/1990
R/2005/2891	Ground and first floor rear extensions	WITHDRAWN - 03/08/2005
R/2005/1260	Ground and first floor rear extensions	Approved - 09/09/2005
R/2006/2608	Erection of two storey rear extension	Approved - 06/02/2007

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The new NPPF was updated in February 2019 and sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

## **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs  
Policy DS3: Sustainable Development Policy  
Policy H5: Managing Existing Housing Stock  
Policy H11: House in Multiple Occupation (HMO)  
Policy DE1 Ensuring High Quality Design  
Policy AC1: Accessible Transport Network  
Policy AC2: Road Network  
Policy AC3: Demand Management  
Policy AC4: Walking and Cycling

## **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPG Extending Your Home  
SPG Houses in Multiple Occupation (HMO) – Development Control Guidance  
SPG Design Guidelines for New Residential Development  
SPD Delivering a More Sustainable City  
SPD Coventry Connected

## **CONSULTATION**

No Objections received from:

- Environmental Protection

No objections subject to conditions/contributions have been received from:

- Highways

Immediate neighbours and local councillors have been notified;

5 letters of objection have been received, raising the following material planning considerations:

- a) The application form is incorrect, the works have started and finished, the property has been occupied as a HMO for 'years'.
- b) Parking survey is inaccurate.
- c) Bins left in the front garden.
- d) Change of use out of character for a quiet family residential district.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- e) Overgrown hedge to front garden.
- f) Fire Hazard with 9 occupants.
- g) The erection of a student block for 800 students on the nearby Tesco car park also renders the proposed development above completely unnecessary.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon neighbouring amenity and the amenity of future occupiers, the impact upon the character of the area, the impact on local services and highway considerations.

### Principle of Development

Policy H11 of the Coventry Local Plan 2016 (CLP) states the development of purpose built HMO's or the conversion of existing homes or non-residential properties to large HMO's will not be permitted in areas where the proposals would materially harm:

- a) the amenities of occupiers of nearby properties (including the provision of suitable parking provisions);
- b) the appearance or character of an area;
- c) local services; and
- d) The amenity value and living standards of future occupants of the property, having specific regard to internal space and garden/amenity space.

Coventry Connected Supplementary Planning Document sets out the parking requirement for a large HMO.

Supplementary Planning Guidance HMO – Development Control Guidance sets out the amenity space and the refuse storage space requirements.

#### a) Impact on neighbouring properties

The existing use of the property appears to be a small HMO (Use Class C4). In this instance the application proposes a change to an 8no bed roomed large House in Multiple Occupation (HMO) (Use Class Sui Generis) with 1no self-contained unit for 1no person (Use Class C3) (Retrospective). This equates to an additional 3no persons, compared to what is already permitted under Permitted Development, where a property can change use from a single dwellinghouse Use (Class C3) to a small House in Multiple Occupation, for up to 6 persons (HMO)(Use Class C4), without requiring formal planning permission).

The property is located within a suitable location with close links to Warwick University. The use of a property as a HMO can often be different from occupation as a family house. The general level of activity associated to a HMO can be greater than a typical family house and therefore increases the potential for noise and disturbance.

The use of small terraced, narrow-fronted or some semi-detached houses as large HMOs will often be resisted, unless disturbance issues such as increased noise are adequately addressed. Whilst Officers acknowledge the issues caused by HMOs in a particular area with regards to noise and disturbance, it is considered that due to the location of this property within an open planned estate of large detached dwellings the comings and goings associated with the HMO will be lessened. This reflects the risk of disturbance to neighbouring properties being lessened due to the distances between dwellings with each property being detached from each other meaning noise transference between adjoining walls and floors is substantially minimised.

In this context, Environmental Protection have raised no objections; therefore, the proposed change of use will not cause harm to the occupiers of the adjacent and surrounding residential properties through increase noise and disturbance. The proposal accords with part (a) of Policy H11 of the CLP 2016.

### Impact on highway safety and parking

Policy AC3 states proposals for the provision of car parking associated with new development will be assessed based on the parking standards set out in amended Appendix 5 located within the Coventry Connected SPD. The proposed parking requirement is 0.75 off road parking spaces per 1no. bedroom, making a requirement of 6no spaces for the 8no. bedroomed HMO and 1no parking spaces for the self-contained flat. Making a total of 9no spaces required.

The existing use as a 6no. bedroomed HMO requires 5no. spaces, therefore there is a net increase of 4no. spaces required for the proposal.

It is recognised that in exceptional circumstances there may be occasions when it could be appropriate to have a lower or higher level of parking depending on the specific details of the application. In all cases, any departures from the standards should be fully and appropriately justified with detailed supporting evidence.

- Surveys of parking capacity and occupancy levels on surrounding streets and parking areas.
- Consideration of likely trip generation and parking accumulations for the proposed development with supporting evidence.
- Details of how the parking will be managed and how that will mitigate any under or over provision.

The application proposes a large HMO in an established residential area which is in a highly sustainable location.

Material consideration in this matter has been given to Planning Inspectorate Appeal reference APP/U4610/W/17/3191248 - 89 Poppleton Close, Coventry CV1 3BN, a proposed House in Multiple Occupation (HMO) case which shares comparable characteristics within a location proximate to a University campus, which provides the following guidance:

*“Coventry Local Plan Policy AC3 sets out that car parking provision associated with new development will be assessed based on the standards set out as Appendix 5. That identifies a standard of 0.75 spaces per bedroom for C4 HMO’s in ‘outer city’ locations such as this. However, it continues that accessibility will influence the need for car parking; and that standards should be considered as maxima, although any departure from them should be fully justified with detailed supporting evidence.”*

This specific site is also situated close to a university campus and the precedent above was deemed as demonstrating easy accessibility for students travelling to the local university on foot or bicycle. This specific site is not therefore a location where the occupants need to be reliant on a private car for their day-to-day requirements. The enforcement of the University of Warwick (UoW) Residents Parking Scheme is also considered to result in reduced inconsiderate parking at this location.

Although the parking provision for this development is outside of that required to meet Policy AC3 of the CLP, the applicant has supplied a parking survey which demonstrates on-street parking availability to accommodate a potential additional 23 vehicles.

This site also benefits from access to the parking provision located at the nearby established Cannon Park major retail centre.

On this basis, due to the sustainable location, with close links to the UoW, Cannon Park District Centre and the availability of on street parking, demonstrated by the parking survey; the proposed change of use, in this instance, will not cause additional parking stress in an area where parking is at a premium to the detriment of the more settled residents in the area. Furthermore, due to the availability of on street parking together with the enforcement of the Residents Parking Scheme, the change of use will not cause harm to highway safety or the free flow of traffic.

The application accords with Policy AC3 of the Coventry Local Plan 2016 and accords part (a) of Policy H11.

(b) Impact on character and appearance of the area

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

This is echoed within the ‘Extending Your Home’ SPG which states development should harmonise and respect the local built form.

The application is for a change of use and requires no external changes. Therefore, the proposal in this instance is acceptable and accords with part (b) of Policy H11 of the CLP 2016.

#### Refuse Collection

Dustbins shall be located so they are not directly visible from the street. It must be possible to gain direct access to the street, e.g. without having to pass through a habitable room. Where bin stores are provided on front elevations they should be properly designed and screened from view. (Section 3.0 within SPG HMO – Development Control Guidance).

The bin storage will be located within the rear garden. This area is directly accessed via a pedestrian gate by the side of the house and enclosed within the rear garden area of the application property. This is controlled by condition No.3 which requires details of the bin storage to be submitted to the council for approval. Furthermore, the condition requires the bins to be stored within the storage area approved at all times unless on bin collection day.

On this basis the application provides suitable waste storage in accordance with the SPG HMO – Development Control Guidance and accords with part (b) of Policy H11 of the CLP 2016.

#### c) Impact on Services

The application proposes a 9no. bedroomed for 9no. persons HMO, which will increase the demand on services in the area. The extra occupants will use the existing services available including public transport and shops which will help the local economy.

As the application is for a minor proposal of less than 10no. units, the NHS does not comment and therefore it is considered that developments of this size will be absorbed into the existing services provided.

The application is in accordance with part (c) of Policy H11 of the CLP 2016.

#### d) Impact on future occupiers of the HMO

##### Outside Amenity Space

Section 4.0 of the SPG HMO – Development Control Guidance deals with private garden sizes and states that an adequate private amenity space shall be provided at the rear of the property at the rate of at least 30 sq.m for up to 4no units, plus 5 sq.m for each additional unit. The amenity space left is required to be of a sufficient size for the likely range of activities. For instance, drying and washing clothes, sitting out etc.

The requirement for a 8no unit HMO & 1no self-contained flat is a rear garden area of 45 sq.m, omitting the area for the cycle and bin storage there is still over 80 sq.m of useable, private, rear amenity space being provided.

##### Inside Amenity Space

The application proposes 8no rooms with shared facilities and 1no self-contained unit of accommodation and they appear to show a satisfactory standard of living, however, this will be controlled and assessed by Licensing when a HMO licence is applied for.

The application is in accordance with part (d) of Policy H11 of the CLP 2016.

## **Equality implications**

No equality issues are raised by this proposal.

## **CONCLUSION**

In view of the location of the property, and the provision of adequate refuse and cycle storage out of public vantage points, the change of use is considered not to cause demonstrable harm to the occupiers of surrounding residential properties through increased noise and disturbance or have a negative impact on the character of the area, or create parking stress in an area where on street parking is at a premium. The resultant accommodation provided will achieve an acceptable living environment for future occupiers with regards to adequate amenity space.

The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H5, H11, DE1 & AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **CONDITIONS/REASONS**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents : Location Plan, Block Plan 8694-05, Existing and Proposed Plan 8694-05.

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

3. No facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*

