

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2019/0967
<b>Site:</b>	30 Old Mill Avenue
<b>Ward:</b>	Wainbody
<b>Proposal:</b>	Change of use to a 7-bedroom house in multiple occupation (sui generis) (retrospective application)
<b>Case Officer:</b>	Shamim Chowdhury

## SUMMARY

The application seeks retrospective planning permission to change of use from a dwelling house (use class C3) /small house in multiple Occupation (HIMO, use class C4) to a 7 bedroomed large house in multiple occupation (HIMO) (sui generis). The current proposal is considered to accord with the CLP Policies and therefore recommended for approval.

## BACKGROUND

This is a revised submission following refusal of the last application (FUL/2019/0291) which sought permission to use the property as a HIMO to accommodate 9 people. The last application was refused because of the occupancy level which was considered high and subsequent impact on the adjoining neighbouring occupiers from an intensified use of the property and associated noise and disturbance. In addition, insufficient information was submitted to demonstrate that sufficient parking spaces for the development are available and the impact on highways and existing parking provisions in the area is acceptable. To address the refusal reasons of the last application, in current submission the level of the occupancy has been reduced to 7.

## KEY FACTS

<b>Reason for report to committee:</b>	Cllr Sawdon requested this application be heard by the Planning Committee as he considers this is a gross overdevelopment.
<b>Current use of site:</b>	Large HIMO for 7 persons' occupation (Use Class Sui Generis)
<b>Proposed use of site:</b>	Large HIMO for 7 persons' occupation (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 planning application seeks retrospective permission to use of the existing small scale house in multiple occupation (HIMO)/dwelling house to a larger house in multiple occupation (HIMO) for 7 occupants. The floor plans show that there are 5 bedrooms on the first floor and 2 bedrooms on the ground floor in addition to communal kitchen and lounge on ground floor. Part of the integral garage would be used for cycle storage in addition to storage area in the rear garden. The refuse bins storage area also would be allocated in the enclosed rear garden.

### **SITE DESCRIPTION**

The application site relates to an extended detached property on a larger plot. The property has been extended with side extension and with extending the front and rear dormer together with a single storey front extension. There is a tarmac drive in front of the property behind a landscaped area along the footpath and Old Mill Avenue. There is a front to rear access along the northwest side elevation of the property.

Old Mill Avenue is a residential street within Cannon Park. The properties vary in style, with both two storey dwellings and dormer bungalows. The on-street parking is restricted on Old Mill Avenue and on the surrounding residential streets.

### **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>
FUL/2019/0291	Change of use to a 9 bedroom house in multiple occupation (sui generis),	refused 08/04/2019 due to over intensification and subsequent impact on neighbouring occupiers as well as insufficient information on parking provisions.
42499/A	Conservatory to the rear	approved 22/05/1996
C/42499	Two storey side & single storey rear extensions and front porch	approved 22/09/1989

## **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 DE1 Ensuring High Quality of Design
- Policy DS3 Sustainable Development Policy
- Policy H11 Homes in Multiple Occupation (HiMO's)
- Policy AC1 Accessible Transport Network
- Policy AC3 Demand Management
- Policy AC4 Walking and Cycling
- Appendix for Policies AC3 and AC4 Car and Cycle Parking Standards for New Development: Appendix 5.

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

SPD Delivering a More Sustainable City

SPD Coventry Connected (Accessibility and transport)

### **CONSULTATION**

No Objections received from:

- Environmental Protection

No objections subject to conditions have been received from:

- Highways

Immediate neighbours and local councillors have been notified; a site notice was posted on 16 May 2019. An objection has been received from Cllr Sawdon stating that the proposal is a gross overdevelopment of the site. He also considers that the submission of a retrospective application is a deliberate attempt to circumvent the planning process.

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 amenities and the amenities of future occupiers, the impact upon the character of the area, the impact on local services and highway considerations.

#### **Principle of development and Neighbouring amenities**

The main policy in assessing this application is Policy H11. Policy H11 states that the conversion of properties to large houses in multiple occupation (HiMO's) will not be permitted in areas where the proposals would materially harm: the amenity of occupiers of nearby properties (including the provision of suitable parking provisions); the appearance or character of an area; local services; and the amenity value and living standards of future occupants.

The application property is already being used as a HIMO. There are 5 bedrooms on first floor and 2 on ground floor, in addition to a large lounge and dining room, a kitchen and a conservatory on ground floor. It is acknowledged that the use of a property as a HIMO is often clearly different from occupation as a family house. The general level of activity associated to a HIMO is significantly greater than a typical family house and therefore increases the potential for noise and disturbance. However, in this case the property is an extended large detached property on a wider plot of land. The extended property itself or any bedrooms do not share any party wall with the adjoining houses. Therefore, it is considered that the application property is capable of accommodating 1 more additional resident (up to 6 residents are permitted development) and impact in terms of noise and disturbance would not be expected any more than that what would have been expected from 6 persons housed in multiple occupation. Environmental Protection have no objection to the proposal in terms of noise and disturbance. It is not considered that the additional residents (up to 7 persons) are likely to have a detrimental impact on residential amenities. However, it is considered justifiable to condition the maximum number of residents to 7 to ensure the residential activities/uses within the property remain at a reasonable level and does not affect the neighbouring occupiers and their amenities. It is not considered such a small increase in occupancy level would have any significant impact on local services.

It is considered that the size of the bedrooms and the kitchen/dining are all reasonable and appears to have retained a satisfactory standard of living accommodation. Entrance to all 7 bedrooms is through the main entrance door of the property. The rear garden is available to all the occupiers of property which appears satisfactory in terms of amenity space. The bin storage area and cycle storage provisions (in addition to some inside the integral garage) would be provided in the rear garden which has direct access from the front without going through the property. On the front drive, at least four cars can be parked without affecting the landscaped front garden. On street parking is restricted in the area; however, the property is adjacent to bus stops on Bransford Avenue and De Montfort Way and benefits from easy access to the City Centre and the surrounding area. The Cannon Park District Centre and Warwick University are within walking distance. The site is therefore in a highly sustainable location with no direct conflict to the NPPF's presumption in favour of sustainable development. It is considered that the lack of off-street parking is not a constraint in this instance and a condition will be imposed to ensure the proposal includes cycle storage within the site as well as the existing off-street parking spaces are retained and maintained appropriately. This arrangement would assist in meeting the aims of Policies DS3 and AC4 which promote sustainability and encourage provision of cycling and walking.

### **Impact on visual amenity and character 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)."

Policy H4 of the Local Plan requires proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city.

The application is for a change of use within the residential use and requires no external changes to the property. The front drive and hardstanding area for parking in front of the property as well the landscaped area at the front would remain unaltered. Therefore, the visual amenity of the street scene would remain neutral. 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. An appropriate condition has been recommended to ensure bins are stored within the storage area approved at all times unless on bin collection day. This arrangement is considered satisfactory in terms retaining the visual amenity and character of the area and complies with the Policies DE1 and H11.

### **Highway considerations**

Policy AC2 of CLP 2016 recognises that the provision of car parking for a new development can influence the traffic generation congestion. It goes on stating that the occurrences of inappropriate on-street parking can block access route for emergency, refuse and delivery vehicles, block footways preventing pedestrians' access, affect the street scene and could reduce visibility for motorists and pedestrians causing safety issues. The new development will therefore be expected to provide appropriate levels of car parking in order to address the above issues. Policy AC3 of the CLP 2016 states that proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5.

As per Appendix 5 the proposed parking requirement is 0.75 off road parking spaces per 1no. bedroom, making a requirement of 6 spaces for the 7no. bedroomed HMO. The existing use as a 6no. bedroomed HMO requires 5 spaces, therefore there is a net increase of 1 space required for the proposal.

The proposed plan shows there would be 6 parking spaces on the paved forecourt; however these spaces appear rather tight and could result in tandem or sub-standard parking. However at least 4 cars can be parked on the forecourt without affecting the landscaping area.

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.

Despite the application site being unable to provide 6 standard parking spaces (without tandem or sub-standard arrangement), the Highways Authority does not object to the proposal. The Highways Authority considers that the planning 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.”*

The site is located within a highly sustainable location. The property is adjacent to bus stops on Bransford Avenue and De Montfort Way and benefits from easy access to the City Centre and the surrounding area. The Cannon Park District Centre and Warwick University are within walking distance. Therefore, it is reasonable to consider the occupiers, who are mainly students would travel 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 Residents Parking Scheme is also considered to result in reduced inconsiderate parking at this location.

On this basis, due to the sustainable location, with close links to Warwick University, Cannon Park District Centre and the availability of limited on-site parking, the proposed change of use, in this instance, would 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.

The application accords with Policy AC3 of the Coventry Local Plan 2016 and accords with the policy H11.

### **Other Issues**

The proposal does not involve any physical alteration or extension to the application property apart from the provision of cycle and refuse bins storage in the rear garden. Using a family dwelling house as a house multiple occupation for up to 6 residents are allowed under current planning legislation (permitted development) and therefore, occupation of another resident particularly within a detached of property on larger plot would not be considered an overdevelopment. It is acknowledged that the application is a retrospective submission, however planning regulations do not restrict submission of retrospective application and the planning authority cannot prevent a use or development taking place without planning permission if the applicant does not seek such permission prior to use or development commencing. However, the assessment criteria and compliance with the local plan policies remain the same whether it is a retrospective application or not.

### **Equality implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- A public authority must, in the exercise of its functions, have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development.

### **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety, ecology or infrastructure, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies H11, DE1, AC2, AC3 and AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

### **CONDITIONS:/REASON**

1. The development hereby permitted shall be carried out in accordance with the following approved documents: Proposed Scheme; Existing Survey; Location and Block Plan 109-17-21A; Vehicle Parking Provisions 109-17-22A; Waste Refuse and Bicycle Provisions 109-17-23.

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

2. The House in Multiple Occupation hereby permitted shall not be occupied by more than 7 residents at any time.

**Reason:** *To ensure the premises are not used in an over intensive manner and to protect the amenities of occupants of nearby properties in accordance with Policy DE1 of the Coventry Local Plan 2016*

3. Notwithstanding the cycle storage details shown on approved plan, within 4 months of the date of this permission secure, covered cycle parking to serve the development shall have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. The cycle parking details shall include the siting, design, appearance and type of stands/shelter and should accord with Cycle Parking Standards within Appendix 5 Coventry Local Plan 2016.

**Reason:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies AC4 of the Coventry Local Plan 2016*

4. The bin storage facilities shall be provided as per approved drawings and must be stored within the bin storage area as shown in the approved drawings and not positioned on the public highway, unless on bin collection days.

**Reason:** *In the interests of residential and visual amenity in accordance with Policy DE1 of the Coventry Development Plan 2016 together with the NPPF*

5. The parking and manoeuvring areas indicated on the approved drawings shall be retained and available for parking motor vehicles at all times.

**Reason:** *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*