

Planning Committee Report	
Planning Ref:	FUL/2019/2641
Site:	10 Brill Close
Ward:	Wainbody
Proposal:	Conversion of the dwellinghouse into a 7 persons' house in multiple occupation (HIMO) including garage conversion
Case Officer:	Shamim Chowdhury

SUMMARY

The application seeks planning permission for a change of use from a dwellinghouse (use class C3) to a 7 bedroomed large house in multiple occupation (HIMO) (sui generis). The proposal also includes a garage conversion to enable the property to be used as a HIMO for 7 occupants. The current proposal is considered to accord with Local Plan Policies and therefore is recommended for approval.

KEY FACTS

Reason for report to committee:	Councillor Sawdon has requested that the application be determined at Planning Committee
Current use of site:	Residential dwelling
Proposed use of site:	Residential for 7 persons' house in multiple occupation

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 planning permission for a change of use from a dwellinghouse (use class C3) to a 7 bedroomed large house in multiple occupation (HIMO) (sui generis). The proposal also includes the conversion of an integral garage into a bedroom in addition to cycle storage and refuse bins storage provision in the rear garden. The garage conversion and internal alterations would create 2 en-suite bedrooms with a communal kitchen and lounge on the ground floor and 5 bedrooms on first floor including 3 en-suites. A communal bathroom is also provided at first floor.

SITE DESCRIPTION

The application site relates to a modern detached dwellinghouse occupying a corner plot located on the northwest end of Brill Close next to its turning head. There is a paved drive in front of the property next to the landscaped front and side garden. There is a front to rear access along the east side of the property in addition to a gated access at the rear. The dwelling is surrounded by residential dwellings, with Cannon Park District Centre approximately 130 metres away to the north. At the end of Brill Close to the west lies Local Green Space and a Local Wildlife Site. The on-street parking is restricted on Brill Close 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:

Application Number	Description of Development	Decision and Date
27225	Erection of detached house	Approved, 11/08/1972
C/27225/A	First floor bedroom/shower room	Approved, 10/11/1988
C/27225/B	Erection of a conservatory	Approved, 01/04/1993

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 6th December 2017. Relevant policy relating to this application is:

- Policy DE1 Ensuring High Quality of Design
- Policy DS3 Sustainable Development Policy
- Policy H5 Managing existing housing stock
- 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

CONSULTATION

No Objections/Comments received from:
Domestic Waste and Housing Enforcement

No objections subject to conditions have been received from:
Highways; Environmental Protection

Immediate neighbours and local councillors have been notified; a site notice was posted on 29 November 2019. An objection has been received from Cllr Sawdon stating that the proposal is an overdevelopment of the site. He also considers that the parking provision for the proposed 7 persons' HIMO is inadequate.

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.

It is acknowledged that the use of a property as a HIMO can differ from how a traditional family house is occupied. For example, the general level of activity associated with a HIMO can be greater than a typical family house and therefore the potential for noise and disturbance originating from such a property can increase. However, in this case the property is an extended large detached property on larger 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 which would have been expected from 6 persons house 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 do 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 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 three 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 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

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 includes conversion of the garage into a bedroom. The visible external alteration would be the replacement of the garage door with a window. The front drive and hardstanding area for parking in front of the property as well the landscaped area at the front and at the side would remain unaltered. Therefore, the visual amenity of the street scene would not be affected adversely. 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 via the rear access gate. An appropriate condition has been recommended to ensure bins are stored within the storage area approved at all times unless it is 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 Local Plan 2016 recognises that the provision of car parking for a new development can influence the traffic generation. It goes on to state that the occurrences of inappropriate on-street parking can block access routes 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 Local Plan states that proposals for the provision of car parking associated with new development will be assessed on the basis of maximum 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 maximum requirement of 6 spaces for the 7no. bedroomed HMO. The existing dwelling has 3 no. spaces; therefore, an additional 3 spaces would be required for the proposal to meet the maximum parking standard as per Appendix 5.

However, at the same time, Policy related to parking standard recognises 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 parking spaces, the Highways Authority does not object to the proposal. The Highways Authority considers that the

Planning Inspectorate has provided an appeal decision that warrants strong material consideration in this instance. This includes the 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.”

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 that around 90% of the 53 on-street parking spaces (47 spaces) are available within the vicinity of the site.

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 University of Warwick, 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.

In addition, the site is located within a highly sustainable location. The property is adjacent to bus stops on 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. This specific site is not therefore a location where the occupants, regardless of whether they are students, young professionals or any individuals need to be reliant on a private car for their day-to-day requirements.

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.

Air Quality

The application site is within Council’s Air Quality Management Area declared for NOx. Therefore, to minimise impact on the air quality of the area, the Environmental Protection team have recommended a condition to use specific gas boilers if new or replacement gas boilers are required within the property.

Other Issues

The proposal does not involve any significant external alteration or extension apart from the garage conversion and provision of cycle and refuse bin storage in the rear garden. Using a family dwellinghouse as a house in multiple occupation for up to 6 residents, is allowed under current planning legislation (permitted development) and therefore, occupation of another resident, particularly within a detached property on a larger plot, would not in this instance be considered an overdevelopment. The bedroom size varies from 9.71m² to 24.85m² together with a generous size kitchen/dining area on ground floor in addition to a communal lounge and conservatory. The bedroom sizes are reasonable and satisfactory compared to the minimum bedroom sizes (for one person, age over 10 years) under HMO licensing rules which is 6.51m².

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 and highway safety, subject to relevant conditions. 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 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 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: Parking Survey; Existing and Proposed Plan DWG:01 A.

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

3. For the garage conversion, no facing 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.

4. Details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. 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. Then prior to use of the property as a house in multiple occupation, the approved cycle storage shall be implemented, retained therein after and kept available for this use at all times.

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.*

5. 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 the amenities of the future occupants of the residential accommodation in accordance with Policy DE1 of the Coventry Local Plan 2016.*

6. The proposed 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.*

7. Any gas boilers or Combined Heat and Power systems serving the development must meet a dry NOx emissions rate of 40mg/kWh

Reason: *Any gas boilers or Combined Heat and Power systems serving the development must meet a dry NOx emissions rate of 40mg/kWh*

8. 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.*

