

Planning Committee Report	
Planning Ref:	FUL/2020/0008
Site:	48-50 Earlsdon Avenue South
Ward:	Earlsdon
Proposal:	Use the pair of semi-detached properties as HMO to accommodate 10 residents
Case Officer:	Shamim Chowdhury

SUMMARY

The application seeks planning permission to convert the existing vacant properties (previously used as a student hostel) into a 10 bedroomed house in multiple occupation. The proposal also includes the provision of a cycle storage area in the rear garden. The current proposal is considered to accord with Local Plan Policies and therefore is recommended for approval.

KEY FACTS

Reason for report to committee:	More than 5 objections have been received
Current use of site:	Vacant
Proposed use of site:	Residential for 10 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, H4, H11, AC2, AC3 & AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks planning permission to use the existing student hostel as a 10 bedroomed large house in multiple occupation (HIMO, sui generis). The proposal does not involve any external alterations, but a cycle storage area would be provided in the rear garden in addition to bin storage along the side of the property behind the existing close boarded fencing. There would be 5 bedrooms on ground floor and 5 bedrooms on first floor in addition to communal kitchen and lounge on ground floor and a games room on first floor. All the bedrooms are en-suite.

SITE DESCRIPTION

The application site relates to a pair of semi-detached properties located on the eastern side of Earlsdon Avenue South, opposite the junction with Styvechale Avenue. The entrance door to these pair of semis is from the side and also have front to rear access along the northeast side of the property (along No. 50). The area is predominantly residential in character despite there being some mixed uses in the area. The Earlsdon Street District centre is around 200m to north/northwest. There is no on-site parking, however there is on-street parking available in the area, some for permit holders only during the day time.

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
21338	Use of residential premises as guest house	Refused 15/09/1965
21338/A	Change of use of 48, 50, 52 & 54 Earlsdon Avenue South from private houses to student hostel under the auspices of Ministry of Education and Coventry Education Committee.	Approved 03/11/1965

The pair of semi-detached dwellings were granted planning permission in 1965 under application 21338/A to be converted into a student hostel. There were specific conditions attached to the decision that limited the use of the student hostel for the use by students in connection with Coventry College only, that required the addresses to return to being single dwellinghouses if Coventry Education Committee ceased to have control of the premises and that required on site supervision of the students.

We have no record of what happened during the years after the education committee ceased to have control over the building, but according to the information that we have,

the building has most recently been used for student accommodation, although it is currently empty.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF, as amended, 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 H4 Securing a Mix of Housing

Policy H11 Homes in Multiple Occupation (HiMO's)

Policy AC1 Accessible Transport Network

Policy AC2 Road 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):

SPG: H14 House in Multiple Occupation

SPD Delivering a More Sustainable City

SPD Coventry Connected

CONSULTATION

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 7 May 2020. 11 objections have been received raising following planning material considerations:

- a) Would bring more vehicles in the area
- b) Increase existing parking problem
- c) Impact on the existing sewer and on water supply
- d) Noise and disturbance
- e) Anti-social behaviour
- f) would harm the residential character of the locality
- g) would create a harmful concentration of HIMO in the area

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

- h) Coventry University sold the student rental accommodation/student hostels to be used as family dwellinghouses

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 the amenities of neighbouring occupiers, the impact upon the character of the area, and highway considerations.

Principle of development

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.

In respect of the above points, the following report will demonstrate how the proposal is considered to accord with the Policy H11 and is therefore the principle of change of use to a 10 bedroomed house in multiple occupation acceptable.

Neighbouring amenities

The planning history reveals that No. 48 – 54 (evens) Earlsdon Avenue South was being used as a student hostel for the Coventry College of Higher Education following a planning approval in 1965. A condition restricted the hostel use only to students of Coventry College and in the case that Coventry Education Committee ceased to have control of the premises, the premises should convert back to dwellinghouses.

From information provided to us it would appear that this pair of semi-detached dwellings had not been converted back to dwellinghouses and were being used for students until the current owner bought them in January 2019. As such, it is reasonable to expect that the use could generate a level of noise and disturbance for neighbouring residents from comings and goings. Therefore, whilst the comings and goings of 10 residents would also generate some noise, it is not considered that the proposal would result in significant additional harm to residential amenity via increased noise and general disturbance beyond that which would result from the current use.

In addition, the site is located close to Earlsdon District Centre and along a main thoroughfare (Earlsdon Avenue South) and there are also some mixed uses in the area which create noticeable background noise. Nevertheless, the application property is detached and does not share any party walls with the neighbouring properties. It is considered that the potential noise and disturbance from 10 occupiers is more likely to be absorbed to some extent by the background noise and would not affect the neighbouring occupiers.

Environmental Protection Officers do not raise any concerns in this regard. However, it is considered justifiable to condition the maximum number of residents to 10 to ensure

the residential activities/uses remain at a reasonable level. The number of occupants within this pair of semi-detached properties is considered reasonable in terms of their utility provision such as sewer and water supply. It is highly unlikely that the proposal would have any additional adverse impact on existing sewer or water supply.

It is considered that the size of the bedrooms and the kitchen/dining are all reasonable and a satisfactory standard of living accommodation is provided. The rear garden will be available to all the occupiers of property and is a size which meets the requirements of the SPG in terms of amenity space and the bin storage area would be away from the street view with cycle storage in the rear garden which has direct access from the front of the building.

On street parking is restricted in the area; however, the property is adjacent to bus stops on Earlsdon Avenue South and benefits from easy access to the City Centre and the surrounding area. The Earlsdon Street District Centre is 5 minutes 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 which is 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.

Character of the area and 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 proposal does not involve any external alterations to the property, apart from the provision of cycle storage in the rear garden and a refuse bin area in the side garden beyond the close boarded timber fencing. The details of the bin store and cycle storage will be conditioned to ensure that they are acceptable and do not harm the visual amenity of the street scene. An appropriate condition has also 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.

Appendix 5 requires a parking requirement of 0.75 off road parking spaces per 1no. bedroom, making a maximum requirement of 8 spaces for the 10 no. bedroomed HMO. The existing property has no on-site parking at all.

However, Policy related to parking standards 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. Bus stops are located on Earlsdon Avenue South and Earlsdon Street District Centre within a 5 minute walk.

Despite the application site being unable to provide any parking spaces, the Highways Authority does not object to the proposal. One of the principal reasons is the availability of on-street parking in the area. In addition, 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.”

This application site is centrally located to both Coventry and the University of Warwick and on the bus and cycle route. Coventry City Centre and Railway Station are around 20 minutes walking distance. This specific site is not therefore in a location where the occupants need to be reliant on a private car for their day-to-day requirements.

Nevertheless, a parking survey report has been submitted as part of the application. The application property is located on the eastern side of Earlsdon Avenue South, opposite the junction with Styvechale Avenue and has no on-site parking provisions. The parking survey indicates that between 18 and 37 spaces (or 26% and 54%) of the 68 spaces in the nearest sections of Earlsdon Avenue South and Styvechale Avenue were available (although 41 of these spaces are restricted to ‘permit holder parking’ up until 6pm). The survey also indicates that between 10 and 20 spaces (or 37% and 74%) of the 27 unrestricted spaces on the south-western side of Earlsdon Avenue South and on Styvechale Avenue were available at any one time (during the period survey evenings). Although the parking provision for this development is outside of that required to meet Policy AC3 of the CLP, the parking survey has demonstrated that there is adequate on-street parking capacity in the area, if any occupier would like to possess a car.

On this basis, due to the sustainable location, with close links to the universities, Earlsdon District Centre and City Centre the proposed HMO, 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, the proposed use will not cause harm to highway safety or the free flow of traffic. The application accords with Policy AC3 and Policy H11 of the Coventry Local Plan 2016.

Air Quality

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

Other Issues

Residents' comments are noted; in particular, related to harmful concentration of HIMO. Officers are aware of the recent increase in the number of HIMO properties, however, this is mainly due to current planning legislation which allows the conversion of a dwellinghouse into a house in multiple occupation for up to 6 occupants without the need for planning consent. The proposed HIMO is not only to be used by the students but it could also be used by single professionals or individuals. The current proposal would retain residential use of the site and its' amenities in association with residential use.

Concern is also raised regarding anti-social behaviour which could result from the proposed use. Whilst it is not reasonable to expect all HIMO properties would bring anti-social behaviour, this matter can be addressed by other legislations. The landlord could introduce strict vetting procedure for the tenants or a tenancy agreement outlining code of conduct and action can be introduced. However, these measures are not material planning consideration and cannot be conditioned.

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 H4, H11, DE1, DS3, 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 Updated; 8157-03-D - Existing and Proposed details.

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

3. 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.*

4. The bin storage facilities shall be provided in accordance with the approved drawings and must be stored within the bin storage area as shown in the approved drawings and not positioned on the public highway or at the front of the property, 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.*

5. The proposed House in Multiple Occupation hereby permitted shall not be occupied by more than 10 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.*

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

Reason: *To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and the objectives of the NPPF.*