

Planning Committee Report	
Planning Ref:	PL/2023/0002283/FUL
Site:	13 Clarendon Street, Coventry, CV5 6EW
Ward:	Earlsdon
Proposal:	Change of use from existing dwelling (Use Class C3) to 5-Bed House in Multiple Occupation (Use Class C4) and associated works
Case Officer:	Richard Edgington

SUMMARY

This application has been submitted for consideration following the implementation of the Article 4 direction, which was introduced on 30th September 2023 which removed permitted development rights for the conversion of a residential dwellinghouse to a house in multiple occupation.

BACKGROUND

The application seeks consent for the change of use of the dwelling house into a house in multiple occupation. Prior to 30th September 2023 the change could have been undertaken without a requirement for planning permission. However, since the Article 4 direction removes this permitted development right, the requirement for full planning permission is required.

Coventry City Council is also in the process of adopted a Development Plan Document for Houses in Multiple Occupation which is read in conjunction with Policy H11 of the adopted Local Plan which sets out a criterion for assessing new HMO's within the city. Whilst the DPD has not been formally adopted it is at an advanced stage and therefore carries significant weight in the decision-making process.

KEY FACTS

Reason for report to committee:	The application has been referred to planning committee as more than five objections have been received.
Current use of site:	Residential
Proposed use of site:	Residential – House in Multiple Occupation (HMO)
Parking provision	3 Spaces

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

1. The proposal is acceptable in principle.
2. The proposal will not adversely impact upon the amenity of neighbours.
3. The proposal will not undermine the character and appearance of the area.
4. The proposal accords with Policies: DE1, H5, H10 and AC3 of the Coventry Local Plan 2016, the emerging House in Multiple Occupation DPD, together with the aims of the NPPF.

SITE DESCRIPTION

The application site relates to a relatively modern semi-detached dwelling which lies within the Earlsdon Conservation Area. The dwelling was erected in the early 1990's and is three storeys, with an undercroft to the ground floor, and pitched roof front dormers to the second floor. The dwelling adjoins a terrace of residential dwellings to the south west, and immediately to the north of the site lies two storey commercial premises which is understood to be in use as B2 (General Industrial) with ancillary office accommodation. The commercial premises are set back from the highway and have a parking area to the front. The site was previously bound by established conifer planting with palisade fence boundary treatments, the conifers have however been removed.

The wider street scene primarily comprises traditionally styled terraced dwellings which have small front gardens, with a reliance on on-street car parking. To the north of the site there are some 1970's two storey maisonettes, which create a street scene with a relatively mixed character.

The application site itself benefits from entrance doors to the front and side (within the undercroft), together with a modest area of amenity space to the rear. There is block paved hardstanding to the front which can provide parking for up to three vehicles. The site is bound by fenced boundary treatments to both shared boundaries. Other than being sited within the Conservation Area, the site is also covered by the Article 4 direction which removed permitted development rights for new small houses in multiple occupation (Use Class C4).

APPLICATION PROPOSAL

The application as proposed seeks consent for the conversion of the existing residential dwelling into a House in Multiple Occupation for five occupants together with associated works. No external changes are proposed to the building, three parking spaces are to be provided within the existing area of hardstanding to the front of the building, cycle and refuse storage is provided via the undercroft and amenity space for the future occupiers is provided to the rear of the building.

PLANNING HISTORY

The planning history associated with the application site is set out as follows;

Application Number	Description of Development	Decision and Date
L/1996/0094	Three storey side extension	Approved 13.03.1996
L/1991/0045	Alterations and extensions to form dwellinghouse	Approved 22.03.1991

RELEVANT PLANNING POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) December 2023. The NPPF 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 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) 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 DS3: Sustainable Development Policy
Policy HE2: Conservation and Heritage Assets
Policy H5: Managing Existing Housing Stock
Policy H11: Houses in Multiple Occupation (HMO's)
Policy DE1 Ensuring High Quality Design
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy EM2: Building Standards
Policy EM7 Air Quality

Supplementary Planning Guidance/ Documents (SPG/ SPD):

Emerging Houses in Multiple Occupation DPD
SPD New Residential Design Guide
SPD Coventry Connected
SPD Householder Design Guide

CONSULTATION

Highways: No objection.

Conservation: No objection.

Neighbour/Third Party Representations: Immediate neighbours and local councillors have been notified; a site notice was posted on 15th December 2023. A press notice was displayed in the Coventry Telegraph on 16th November 2023.

11 letters of objection have been received, raising the following considerations:

- a) Creates an imbalance in the community due to too higher concentration of HMO's
- b) Does not accord with Article 4 direction
- c) Insufficient parking provision which will exacerbate existing issues
- d) Increase in noise, disturbance and anti-social behaviour
- e) Concerns up to 12 occupiers could live within the building
- f) Rear parking space is not appropriate
- g) Right of access for neighbours to the rear of the building

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, whether the development accords with the emerging Houses in Multiple Occupation DPD, the impact upon the character of the area/conservation area, the impact upon residential amenity and highways.

Principle of Development

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, Policy DS3 of the adopted Local Plan is consistent with Para. 11 in this respect. The primary policy for the change of use to a HMO is Policy H11 of the adopted Local Plan, together with the emerging House in Multiple Occupation Development Plan Document (HMO DPD herein).

Policy HMO1 states that all proposals for new HMO's will be required to demonstrate that;

- a) there is good accessibility to local amenities and public transport;
- b) they accord with the emerging Accessible Homes standards (or future equivalent) and provide satisfactory living conditions for the intended occupiers; and
- c) there will be no demonstrably adverse impact on the amenity of neighbouring properties or the character of the area by way of character, appearance, highway safety, parking and historic assets and their setting. (The proposal must also meet the criteria in policy HMO4).

Policy HMO2 states that where there is an existing HMO concentration of 10% or more of all dwellings within 100 metres radius of the centre point of the application property, HMO applications will not be supported.

Policy HMO3 precludes developments resulting in a 'sandwiching' effect whereby a residential dwelling is sited between two HMO's.

Finally, Policy HMO4 requires HMO's to be of a design and quality which exhibits quality design and is conducive to providing a quality residential environment for future occupiers.

As set out in the following sections, the proposal accords with HMO1. With regards to HMO2, there are approximately 98 addresses within a 100m radius of the application site, there are two other dwellings which are registered as HMO's within this 100m radius, which results in a concentration of 3.06%, 6.94% below the 10% threshold set out in the emerging DPD. The neighbouring units at No's. 15 and 17 Clarendon Street are residential dwellings, and with the commercial property to the other boundary there would not be a sandwiching effect resultant of the proposed change of use. The application therefore accords with Policies HMO2 and HMO3 in the emerging DPD.

For the reasons set out in the succeeding sections of this report it is considered the proposal also accords with Policy HMO4, on this basis it is deemed that the application is acceptable in principle.

Design & Character

Paragraph 135 of the NPPF (2023) seeks to ensure that development proposals exhibit a high-quality design and make a positive contribution to the area in which the site is located over the lifetime of the development. The NPPF further states (at paragraph 139) "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Policy HMO4 requires HMO's to be of a design and quality which exhibits quality design and is conducive to providing a quality residential environment for future occupiers.

In this case the application does not seek to undertake any external alterations to the existing building, the areas of hardstanding is to also be retained, the only changes which are sought externally relate to marked out parking bays and the installation of cycle and refuse storage provision. Both the cycle and refuse storage is to be located to the rear of the site, details of both

storage units have been secured via condition, it is not considered that such additions will give rise to design issues from public vantage points. The parking bays to the front will also not materially affect the character or appearance of the area, the application is therefore acceptable in design terms.

Impact on the Conservation Area

The application site lies within the Earlsdon Conservation Area, when the previous applications were determined the site was not within the Conservation Area. In accordance with Policy HE2 of the adopted Local Plan (2016) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the LPA has a duty to have special regard for designated heritage assets, in this case the conservation area, and identify any harm associated with development proposals, and where appropriate set out any public benefits to outweigh such harm.

In this case the changes to building are to be internal and as such the proposed change of use will not give rise to any impact upon the conservation area. As there is no harm caused to the conservation area as a result of the development, there is no requirement under the legislation or indeed adopted planning policy to offset any harm against the public benefits of the development proposed. In undertaking this assessment, the LPA has fulfilled the requirements as set out under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it should also be noted that the Conservation Officer has also been consulted and raises no objections to the amendments to the application.

Impact on Residential Amenity

Paragraph 135 of the NPPF requires developments to not give rise to detrimental impacts to the amenity of neighbouring residents, or indeed future occupiers of the site, Policy HMO1 (c) also states that HMO applications will be required to ensure that there will be no demonstrably adverse impact on the amenity of neighbouring properties, this is also a requirement of Policies H5 and DE1 of the adopted Local Plan.

Within the consultation period a number of objections have been received in relation to the impact of the proposed change of use in respect of residential amenity, particular concern is raised to the increase in noise and disturbance and anti-social behaviour which may be resultant of the change of use.

The conversion of the dwelling into a HMO will not change the land use of the site which will remain as residential accommodation. Whilst the occupiers of the site will not form part of a single household, a condition has been appended to the decision limiting the number of occupiers to five persons. With this condition it is not deemed that there will be a likely intensification of the site which would give rise to additional noise and disturbance from what may occur as a residential dwelling, the application is therefore acceptable in this respect.

With regards to living conditions for future occupiers of the application site, as originally submitted the applicants were seeking to create a six-bedroom HMO, using the ground floor as an additional en-suite room, this retained only a small L shaped kitchen as a shared area. The applicants then sought to include a living and dining area to the first floor. The layout was deemed by officers as being contrived in design and would not be suited to providing a quality living environment.

As a result, the case officer requested that the number of occupiers be reduced to five persons to allow for the ground floor to be retained as a shared space for living/dining and cooking. Whilst this reduced the shortfall of the parking spaces to an acceptable level, it also allowed for sufficient internal space to be provided for future occupiers. The small area of amenity space to the rear, whilst open/accessible from the front, is also deemed proportionate in this case. Whilst it is not

desirable to have this open from a security perspective, this arrangement is existing, and the applicants have expressed reluctance to include gates to the front due to a right of access. On balance, it is not considered that this application would exacerbate the issue in relation to open space and crime issues, the application is therefore acceptable in this regard.

Highway Considerations/Cycle Parking Provision

Policy AC2 of the adopted Local Plan seeks to ensure development proposals do not have a detrimental impact upon the road network, and where any impacts are identified suitable mitigation should be secured as part of any approval, Policy AC3 requires developments to meet the council's adopted parking standards as set out in Appendix 5 of the Coventry Connected SPD. Part A of Policy HMO1 is consistent with AC2 and AC3.

In this case the site does benefit from an area of hardstanding to the front of the building. As originally submitted the applicants indicated that they were to include an allocated parking space to the rear of the site. This was amended at the request of the case officer as the layout of the site and the accessibility of that space was questioned in terms of usability and providing sufficient amenity space for future occupiers and manoeuvrability for future occupiers for refuse and cycle storage.

Now, three spaces are provided side by side to the front. The applicants have indicated on the site plan that sufficient visibility can be provided from each boundary treatment. Within the consultation it is noted that a number of concerns have been raised by neighbours, notably that the previous owner allowed neighbours to use the hardstanding for parking, and that the shortfall of parking will exacerbate existing parking issues. The policy requirement for the use of the building as a five-bedroom HMO is for 3.75 spaces to be provided. There is acknowledged to therefore be a very minor shortfall of parking of 0.75 spaces. However, weight is afforded to the accessible nature of the location, with the site being located just 0.2 miles from Earlsdon High Street, which equates to a 4-minute walking distance to a range of shops, local services and frequent bus services providing routes to the university (Services 11 or 87) and the city centre.

The applicants are also seeking to incorporate cycle storage provision for future occupiers. Highways have been consulted and raise no objection to the proposed development. Conditions have been appended to ensure the parking spaces are marked out prior to occupation and retained thereafter and that the cycle storage is also provided prior to occupation also. With these conditions attached it is considered that the application is acceptable in this regard.

Other Matters

Within the consultation period it is noted that a number of residents made comments as to a right of access being required under property covenants for the neighbouring dwellings to enter the rear courtyard area of the site. There are noted to be double gates to the rear. Whilst this is not a material planning consideration and would instead be considered as a civil matter under property laws for the avoidance of any doubt, the plans do not indicate that these gates are to be removed. In addition, the area to the front of the building also does not propose parking spaces to the boundaries to ensure there is sufficient visibility. This also retains an access within the front area of the site. The condition to mark out the parking prior to occupation will also likely demark the area which is to be retained as a walkway for both future occupiers of the site and neighbouring residents if required.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) 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

Overall, it is considered that the development for the proposed change of use as amended is acceptable as the concentration of HMO's within the area would not exceed 10% or would result in a 'sandwiching effect'. In addition, the layout of the site will provide for three spaces, together with circulation space for refuse and cycle provision. The internal living space is now deemed acceptable and given there are no external changes there will not be an impact upon the character and appearance of the conservation area. It is therefore recommended that planning permission is granted, subject to conditions.

CONDITIONS / REASONS

1.	The development hereby permitted shall begin not later than 3 years from the date of this decision.
Reason	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Proposed Plans (Site Layout and Floor Plans). Drawing: A1-002b. Revision H
Reason	<i>For the avoidance of doubt and in the interests of proper planning</i>
3.	The development hereby permitted shall be occupied by no more than 5 permanent residents at any time.
Reason	<i>To ensure that the development is not used in an over-intensive manner, prejudicial to or likely to cause nuisance to occupiers of nearby properties in</i>

	<i>accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.</i>
4.	The development hereby permitted shall not be occupied unless and until the bin storage area(s) have been laid out and provided in full accordance with the approved details and thereafter those facilities shall remain available for use at all times. All bins which serve the development within the red line site area must be stored within the approved bin storage area and not positioned on the public highway or in the open, unless on bin collection days.
Reason	<i>In the interests of the amenities of future occupants of the residential accommodation and neighbouring occupiers in accordance with Policies DE1 and H11 of the Coventry Local Plan 2016.</i>
5.	The development hereby permitted shall be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in full accordance with the approved drawings and made available for use by the occupants and / or visitors to the dwellings and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.
Reason	<i>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.</i>
6.	Prior to occupation of the development hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
Reason	<i>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 DS3, AC3 and AC4 of the Coventry Local 2016.</i>