Planning Committee: 15 October 2013 **Item Number:** 15

Application No: W 13 / 1204

Registration Date: 28/08/13
Town/Parish Council: Kenilworth **Expiry Date:** 23/10/13
Case Officer: Emma Spandley
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Peacock Hotel, 149 Warwick Road, Kenilworth, CV8 1HY
Change of use of a hotel (Class C1) to a House in Multiple Occupation (HMO) (Sui Generis) and the insertion of three additional windows. FOR Mr Muthalagappan

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes to change the use of the Peacock Hotel (Use Class C1) to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation.

THE SITE AND ITS LOCATION

The application property is an existing 32 bedroomed hotel with associated restaurant located on the east side of Warwick Road, Kenilworth. The access to the hotel is to the southern side, and runs along the shared boundary with No.151 Warwick Road.

PLANNING HISTORY

The history of the property is extensive. No.149 Warwick Road was originally a single dwellinghouse and in 1956 was granted a change of use to a surgery and offices. In 1969 3 separate planning permissions were granted for a change of use from residential to "special" residential for staff accommodation for De Vere Hotels; to a nursing home and to student accommodation.

In 1982 permission was granted for a dwelling to the rear to form a caretakers accommodation and to change the use of staff accommodation to 7 flats. In 1987 permission was granted for a care home and in 1988 the flats were granted permission to change to a guest house. Since the 1990's several permissions have granted extensions and alterations to the existing hotel.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council- Members commented that whilst they had no objection to the application, they sought reassurance that the management and occupation regime will be adhered to strictly.

Environmental Health - No objections subject to a management plan

Waste & Recycling - Comments on the size of bins required.

Highways Authority - No objection.

Public Response - 5 letters of objections have been received objecting on the principle of student accommodation on the grounds of increased noise and antisocial behaviour; insufficient parking provision and light pollution from headlights. Comments have been raised concerning the "back lane" usage, the management of the site and the devaluing of properties.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- Renewables.

Issue 1: Whether the proposals would cause a harmful over-concentration of student accommodation in this area

The Council have recognised that there is an issue with regards to the over concentration of HMOs within areas. The identified specific problems associated with the concentration of student accommodation in an area, including the wards in which the application site is located. These problems relate to noise and anti-social behaviour, increased crime, a negative impact on the physical environment including inadequate attention to waste disposal, lower levels of community involvement/ cohesion and pride in the area, impact on local services and increased pressure on spaces for on-street parking.

In response to the concerns raised, the Council's Executive Committee agreed a Draft Planning Policy for HMOs & Student Accommodation for consultation purposes. This was subjected to a six week period of public consultation between Friday 5th July 2013 and 16th August 2013. This consultation has now closed. Officers are in the process of analysing the responses and will make recommendations for alterations to the policy and these will be submitted to the Council's Executive for the final decision.

The Draft policy will be applied to all proposals for HMOs and Student Accommodation in the District.

The Policy Context

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Draft HMO Policy states planning permission will only be granted for Houses in Multiple Occupation where:-

a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of the total dwelling units;
b) the application site is within 400 metres walking distance of a bus stop, and;
c) adequate provision is made for the storage of refuse containers whereby:-
    - the containers are not visible from an area accessible by the general public, and
    - the containers can be moved to the collection point along an external route only.

Assessment

The Council's HMO statistics demonstrate that there is one other HMO within a 100 metre radius, No.125 Warwick Road. The application property is located on a main road and in close proximity to bus stops and the existing bin storage for the Hotel is located within a purpose built bin store.

The proposed HMO accords to the HMO Policy and is considered acceptable.

Issue 2: The impact on the amenity of the area and living conditions of local residents.

The proposal is for the re-use of an unviable hotel and restaurant and therefore in principal, brownfield sites such as the application site, which is located close to the town centre within easy access of a range of facilities and services are suited to high density residential development.

The application site is located to the south of the Town in an area which contains a number of residential properties interspersed with commercial and retail uses.

Using the core of the NPPF, there is the case that in delivering a wide choice of high quality homes and creating sustainable, inclusive mixed communities, the NPPF seeks mixed and balanced communities. In addition, the Framework seeks developments that function well and add to the overall quality of an area, whilst optimising the potential of a site and to create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. The HMO policy echoes the foundations of the NPPF, by limiting the number of HMOs within an area.

All HMOs are subject to The Management of Houses in Multiple Occupation (England) Regulations 2006. The HMO Management Regulations which impose duties on the manager (the manager is the owner of the property or a person receiving rent or other monies) of a HMO in respect of:-

- Repair
- maintenance
- cleanliness
- good order
- facilities
- equipment.

However, it is felt that in conjunction with the regulations set out above, and in line with the Environmental Health comments, the applicant shall submit a management plan, the full details of which would be agreed pursuant to an appropriate condition. It is considered that these matters would adequately deal with any potential issues related to the use of the building and wider site and will ensure that there would be no harm to the residential character of the area or living conditions of local residents.

Issue 3: Impact on the character and appearance of the Conservation Area

Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy DP1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The proposal only includes the insertion of three additional windows to the south elevation, it is considered that the proposal will not have a detrimental on the setting of the Conservation Area.

Issue 4 Car parking and highway safety

Policy DP8 states development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) Vehicle *Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

Table 2 of the SPD states HMOs require one space per two bedrooms. The proposal requires 19 car parking spaces. The existing car park has the capacity for 24 car parking spaces. Therefore it is considered that the parking requirements is satisfactory.

The Highway Authority consider that the proposed development will generate comparable if not less vehicle movements than the existing permitted use. Although there are aspects about the exiting access that do not comply with standards, the Highway Authority notes that there are no recorded injury accidents associated with the operation of the exiting access. It is considered that the proposal will not have a detrimental impact on highway safety.

Renewables

It is considered that the proposed change of use from a hotel to a HMO will not result in a significant increase in the energy demands of the property and therefore it is considered unreasonable to require a 10% provision of renewable energy on site.

Other matters

The comments regarding the rear access passage has been noted and the applicant has amended the plans to show the existing gate now blocked up.

SUMMARY/CONCLUSION

It is considered that due to the limited number of HMOs in the locality, the existing off road parking spaces and the existing bin store the change of use from a Hotel to a HMO is considered acceptable and subject to suitably worded

conditions relating to a management plan the proposal is in accordance with the aforementioned policies.

CONDITIONS

1 The development hereby permitted shall begin not 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 strictly in accordance with the details shown on the site location plan and approved drawings 720.06; 720.08, 720.09, 720.10 & 720.12 submitted on 28th August 2013 and 720.07A & 20.11A submitted on 27th September 2013 ,and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 A resident management plan, including details of residence management and maintenance of the residence, security and fire safety; conduct of the occupants during occupancy and community liaison responsibilities and procedures shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. **REASON:** To ensure a satisfactory standard of amenity of the development in the interests of the impact on the wider area in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011.

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