Planning Committee: 06 December 2016 **Item Number:** 10

Application No: W 16 / 1740

Registration Date: 27/09/16
Town/Parish Council: Kenilworth **Expiry Date:** 22/11/16
Case Officer: Ian Lunn
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Victoria Lodge Hotel, 180 Warwick Road, Kenilworth, CV8 1HU
Change of use from guest house to 11 bedroom HMO (Sui Generis) FOR Mr Currie

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This application is being presented to Committee because of the number of objections that have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the property from a guest house to an 11 bed House in Multiple Occupation. No external alterations are proposed.

THE SITE AND ITS LOCATION

Victoria Lodge Hotel is a substantial two storey property constructed of a combination of brick and render under a pitched slate roof. The building is currently used as a guest house. It is located approximately 35 metres south of the junction of St. John's Street and Warwick Road in an area of mixed commercial and residential uses. The site is situated within the Kenilworth Conservation Area.

PLANNING HISTORY

This building has been the subject of previous planning history but none that is considered specifically relevant to the consideration of this proposal.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, however, raised concern over the loss of another hotel.

WCC Highways: No objection. The HMO will generate fewer vehicular movements to and from the premises than the existing guest house and the proposal makes adequate provision for associated 'off street' parking. The building is sustainably located on a bus route close to local shops and facilities.

WCC Ecology: No objection provided that the proposals do not involve any alterations to the roof of the building.

WDC Green Space Team: Consider that the development will put added pressure on existing open space both locally and within the wider District. The developers should therefore be required to make an agreed financial contribution as part of any approval which will be used to develop local open space within 500 metres of this site (probably at Abbey Fields and/or Bates Memorial Field).

Private Sector Housing: This application would create a licensable HMO. Comments have been made with respect to internal layout arrangements, but these matters can be adequately controlled at licensing stage.

Public Response: Six letters of objection have been received in respect of this proposal on the following grounds:

a) An approval of this proposal would not be in the best interests of highway safety. The scheme makes inadequate provision for the associated 'off street' parking of vehicles and consequently will lead to 'on-street' parking on the surrounding roads. It will also lead to increased congestion on a road network that is already unable to cope with existing traffic levels,

b) The level of light currently received by neighbouring properties would be adversely affected by the enlargement of the property,

c) An unacceptable level of noise would be caused by the new use,

d) The development would exacerbate existing drainage problems in the area,

e) An HMO would attract undesirables, and

f) There are already too many HMO's here. The addition of another would further erode the character of the area.

The applicant has also submitted an e-mail in support of their application in which they state:-

a) The HMO will benefit from adequate 'off street' parking and turning facilities. These are already available to the front of the building and in the form of three garages located to the rear off Whites Row,

b) It is not intended to enlarge the building as part of this proposal, and

c) The new use should not generate a significantly greater level of noise than that generated by the guest house.

The main issues to consider when deciding this application are:-

- Principle
- Design/Scale
- Impact on amenity of occupiers of neighbouring properties and whether the proposed development would provide adequate living conditions for future occupiers
- Parking/ Highway Safety
- Renewables
- Other Issues

Assessment

Principle

Policy H6 of the Emerging Local Plan relates to proposals for Houses in Multiple Occupation. It is considered that this proposal will meet the requirements of this policy for the following reasons:-
a) No more than 10% of the dwelling units within a 100 metre radius of these premises will be in use as a HMO if this application is approved despite concerns to the contrary. There is currently only one other property within this radius that is known to be in use for this purpose.

b) The application premises are located in a sustainable location on a main thoroughfare (Warwick Road) within 400 metres walking distance of a bus stop and in close proximity to Kenilworth Town Centre.

c) An approval of this proposal will not lead to a continuous frontage of three or more HMOs, nor will it lead to any dwelling being sandwiched between two HMOs, and

d) There is space within the confines of the property for the satisfactory and secluded storage of refuse, and for refuse containers to be moved externally from that point to the refuse collection point. The applicant has indicated that they intend to use the enclosed area to the rear of the building for storage purposes with the refuse subsequently collected from Whites Row as it is now. Access from the former to the latter is to be gained through a gate in the rear boundary wall.

In view of the above the proposal is considered to be acceptable in principle.

Design/Scale/Impact on Conservation Area

The proposal will have no significant impact upon the character and appearance of the Conservation Area as no external alterations, other than the formation of a new rear facing door at ground floor level, are proposed to the building.

Amenity

It is not envisaged that an eleven bedroom HMO is likely to generate significantly more noise than the existing use as a 10 bedroom guest house. Consequently, it is contended that allowing it to be so used is unlikely to harm the amenities of neighbouring residents despite concerns to the contrary. The Health and Community Protection - Environmental Sustainability Section have considered the proposal and whilst having some essentially non-planning related concerns (as outlined in the 'Representations' section above) they do not raise any concerns about potential noise nuisance.

It is not proposed to enlarge the building in the course of its conversion despite the assertion of one local resident. Consequently the development will have no effect upon the level of light currently received by neighbouring properties.

It is not envisaged that the proposal will give rise to unacceptable overlooking of neighbouring properties either over and above any that may currently be occurring. It is not proposed to alter the existing window arrangement and the internal layout is to remain largely unchanged. Most of the windows, in any case, either directly face Whites Row to the rear or Warwick Road to the front.

The proposal is considered to provide adequate living conditions for future occupiers of the development.

Parking/ Highway Safety

A development of this nature requires a minimum of six 'off street' car parking spaces in accordance with the Council's adopted Vehicle Parking Standards SPD. Six parking spaces are already available on the surfaced parking area to the front of the building. In view of this it is considered, despite concerns to the contrary, that the proposal will satisfy the requirements of the Council's adopted Vehicle Parking Standards SPD and that a satisfactory level of 'off street' parking will be available to serve the development.

The current parking layout to the front of the building allows for the satisfactory 'on-site' turning of cars thus allowing them to safely enter Warwick Road in a forward gear. Additionally, the property currently benefits from what is considered to be a satisfactory vehicular access to/from Warwick Road and this is to be retained unaltered.

Concern has been expressed by some local residents that the proposal will exacerbate existing problems of congestion on the surrounding road network. However, it is contended that a use of this nature is unlikely to generate more vehicular movements to and from the site than the existing guest house. Consequently this is not accepted.

In view of the above, and as this property is located in a sustainable location on a bus route and in relatively close proximity to the Town Centre, the proposal is considered to be acceptable in highway safety terms. There has been no objection raised by the Highways Authority.

Renewables

The proposed use would not result in a material increase in the energy demand of the building and therefore it is considered that a requirement for renewables or a fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Other Issues

The concerns expressed by the objectors to the proposal have largely been considered earlier within the report. Further concerns have been raised about the effect of the development upon local drainage, the loss of a hotel and about the nature of the future occupants of the premises. However:-

a) It is not envisaged that an eleven bed HMO will place a significantly greater strain effect on the existing drainage system than an eleven bed guest house,
b) Policy CT3 of the Draft Local Plan seeks to protect visitor accommodation within the town centres. However, the application site is not located within the Kenilworth Town Centre boundary and therefore this policy does not apply.

c) The nature of the future occupiers of the HMO's can not be controlled under the planning system.

Summary/Conclusion

The proposal is considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP8, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011; Policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed use is considered to be in accordance with the requirements of National and Local planning policy. Furthermore, it is contended that it will not adversely impact upon the character and appearance of the Conservation Area, the amenities of neighbouring properties or that it will give rise to any highway safety concerns.

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 in strict accordance with the details shown on the plans entitled 'Site Plan/Block Plan' and the Existing Floor Plans received by the Local Planning Authority on 27th September 2016, and the Proposed Floor Plans, received on 22nd November 2016. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall not commence unless or until a scheme for the provision or improvement of open space (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning

Authority. The development hereby permitted shall not be occupied until the scheme so approved has been implemented. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 The parking spaces shown on the Proposed Ground Floor Plan, received on 22nd November 2016, shall be marked out as shown on that plan before the development hereby approved is first occupied. Those spaces shall thereafter be retained at all times solely for the parking of vehicles in conjunction with the approved HMO, and the associated turning areas and access serving the site shall be retained at all times solely for the associated 'on-site' turning of vehicles and to allow those vehicles access to and from the site. **REASON:** To ensure the provision of adequate off-street car parking facilities in the interests of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

5 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.