

**Change of use to eight bedroom, eight person HMO
(suiteris)**

**Report Item No
A2**

25 London Road Kegworth Derby DE74 2EU

**Application Reference
18/01190/FUL**

**Grid Reference (E) 448818
Grid Reference (N) 326531**

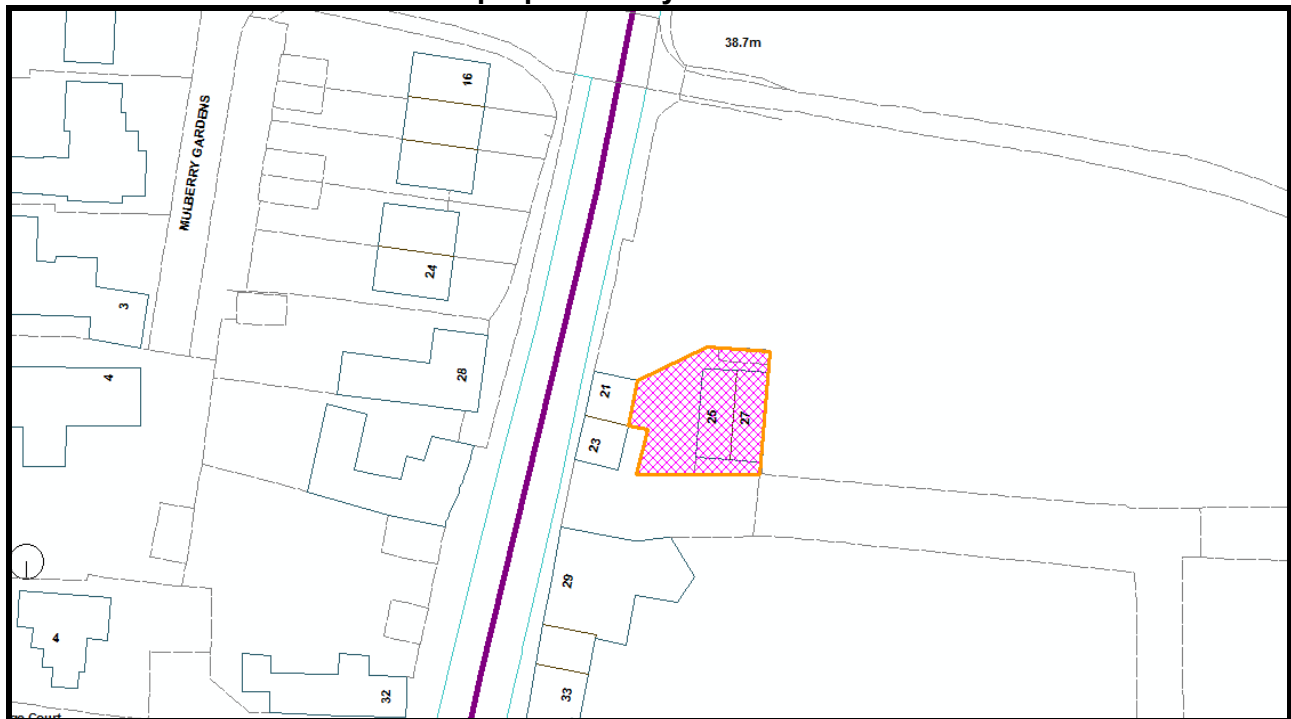
**Date Registered:
27 March 2019
Consultation Expiry:
11 February 2020
8 Week Date:
22 May 2019
Extension of Time:
None Agreed**

**Applicant:
Russell Ward**

**Case Officer:
Hannah Exley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Harrison-Rushton) has requested it to be considered by Planning Committee as he shares the concerns raised by Kegworth Parish Council; HMO housing is changing the nature of the village and noise and disturbance to neighbouring houses is causing loss of amenities.

Proposal

The application is to change the use of a seven bedroomed detached dwelling into a house in multiple occupation (sui generis) housing up to eight people. The proposal includes on-site parking for two vehicles and a bin storage area.

Consultations

Two letters of neighbour representation have been received raising objection to the development. Kegworth Parish Council has also objected to the development. There are no objections from other statutory consultees.

Planning Policy

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

Conclusion

The site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding design, highway safety or residential amenities and would maintain the character and appearance of the Kegworth Conservation Area. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

1. Proposals and Background

The subject property No.s 25-27 London Road is one detached dwelling located to the rear of Nos. 21-23 London Road, which is located on the eastern side of the road and occupies a small plot. The building extends up to the northern and eastern boundaries, with the main external area to the west being proposed for parking for two vehicles and bin storage. The property also has a very limited external amenity space to the front.

The application is to change the use of the existing seven bedroom dwelling to create a house in multiple occupation (sui generis) housing up to eight people. The floor plans for the dwelling show that the internal layout would be altered to provide an additional bedroom and bathroom at ground floor level to accommodate the eighth occupier.

An additional parking and bin storage plan was secured during the course of the application at the request of the County Highways Authority and the NWLDC Waste Services and Environmental Protection teams.

The site is located in a residential area and within Limits to Development as identified in the adopted Local Plan. The site falls within the Kegworth Conservation Area.

It is understood that the property is currently used as a HMO for up to six people, which does not require planning permission.

Planning History:

No planning history found for the site.

2. Publicity

4 neighbours notified.

Site Notice displayed 24 April 2019.

Press Notice published Leicester Mercury 1 May 2019.

3. Summary of Consultations and Representations Received

Kegworth Parish Council provides the following comments:

'25 London Road was licenced as a HMO for 6 people in June 2018 and is now proposing to use the dining room as an additional bedroom. The house is set back behind the two cottages fronting London Road. The owner is proposing to add two parking spaces and claims that up to 4 additional communal spaces are available for tenants to use, shared with adjacent homes.

In view of the above, the Parish Council objects to the proposal on the grounds of density of HMO housing changing the nature of the village and loss of amenity, noise and disturbance to neighbouring houses.'

NWLDC Conservation Officer has no comments given the change of use nature of the application.

NWLDC Environmental Protection advises that the property was issued with an HMO Licence in June 2018 and that a separate licence will be required from Environmental Protection. No other environmental observations.

NWLDC Street Management advises that the amended bin storage area is of adequate size for the occupancy proposed.

Leicestershire County Council - Highways raise no objections, subject to a parking condition.

Severn Trent Water - no response received.

Third Party Representations

2 letters of neighbour representation have been received, raising objection on the following grounds:

- Concern about the growing number of students in the village who make little contribution to the community and contribute to the existing and parking problems;
- Further HMO developments should be stopped;
- Lack of parking - 8 cars will not fit into 3 parking spaces;
- Inadequate services to accommodate additional occupiers;
- Parked cars associated with the existing HMO sometimes prevent access/egress onto the neighbouring property (No.21) for parking;
- The area shown for turning on the plan is not large enough to turn in;
- Blocked drains from No.25 have resulted in wastewater overflowing with sewage onto the neighbouring property;
- Party noise from the house and non-residents staying over;
- General attitude and lifestyle of the residents of the HMO;
- Close proximity to neighbouring properties exacerbates the impacts on neighbouring amenities;
- Litter;
- Close proximity of bin storage area to No.21 which could cause odour problems if badly managed and overflowing;
- Concern about difficulties in bins being put out due to the close proximity of vehicle parking;
- The design of the property was never intended to accommodate so many people and vehicles in a small area.

The full contents of this letter is available for Members to view on the case file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development)

Paragraph 109 (Promoting sustainable transport)

Paragraph 127 (Achieving well-designed places)

Paragraph 180 (Conserving and enhancing the natural environment)

Paragraphs 189-192 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy EC5 - East Midlands Airport: Safeguarding

Policy IF7 - Parking Provision and New Development

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Other Policies/Guidance

National Planning Practice Guidance

Leicestershire Highways Design Guide

Good Design for North West Leicestershire SPD

Kegworth Conservation Area Appraisal (adopted February 2018)

5. Assessment

Principle and Sustainability

The site is located within the Limits to Development as defined on the Proposals Map to the adopted Local Plan within the sustainable settlement of Kegworth, where the principle of this type of residential development is considered acceptable. Therefore, the principle issues for consideration are the impacts of the proposed extension and change of use on the amenities of any neighbouring properties, highway safety, airport safeguarding, design and heritage assets.

Design and Impact on Heritage Assets

The need for good design in new development is outlined in adopted Local Plan Policy D1, Paragraph 127 of the NPPF.

The proposed development must be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The site is located to the rear of properties fronting London Road and no alterations to the building are proposed. The application relates to a change of use only and the Conservation Officer has no comments to make on the proposal.

Overall, it is considered that the proposals would maintain the character and appearance of the Kegworth Conservation Area. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policies D1 and He1 of the adopted Local Plan.

Impact on Highway Safety

Concern has been raised by Kegworth Parish Council and local residents about the lack of parking associated with the proposal and the implications of this for neighbouring properties as a result of indiscriminate parking nearby. These concerns have been echoed by a neighbouring resident.

The County Highways Authority has been consulted on the application and following the submission of an additional plan showing the provision of three parking spaces within the site, has advised as follows:

The County Highways Authority consider that there is sufficient space to accommodate two vehicles in the area shown fronting 25 London Road as opposed to the three shown. As the County Highways Authority does not have specific parking standards for HMO's, whilst there is an increase in the number of occupants as part of this planning application, it nonetheless remains a single property. In accordance with the Leicestershire Highways Design Guide (LHDG) the existing seven bed dwelling would require the maximum residential parking provision of three spaces. There is currently 1 space within a car port structure associated with the property, and therefore, by providing one additional space, the development proposal would reduce the existing shortfall of parking spaces from two spaces to one. On this basis, the County Highways Authority has no reasonable grounds to seek to resist the proposal.

The County Highways Authority also note that there are opportunities for sustainable forms of travel to/from the site. The nearest bus stops are located within 200m of the site and are served by bi-hourly service between Clifton and Normanton on Soar, an hourly service between Loughborough and Nottingham, and a half-hourly service to Leicester. In addition to this, the site is connected to local amenities such as local shops, library and a public house by existing footways.

Having regard to the detailed responses of the County Highways, it is considered that the proposal would comply with Policy IF7 of the adopted Local Plan and the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF.

Concerns have been raised about the adequacy of the turning area and the use of the access drive for overspill parking which can restrict vehicular access to the neighbouring property. The turning area is not within the application site area and the property already exists without any dedicated turning facility. With regard to overspill car parking affecting neighbouring access/egress, as this is on private land, it would be a private matter. Whilst it noted that the parking provision would not meet the needs of each occupier if each has a car, as set out above, given the absence of a parking standard for HMO's, the County Highways Authority have advised that they must default to the standards for residential dwellings. When assessed in this way, the parking provision proposed is acceptable when having regard to the size of the property and given the existing shortfall of parking spaces.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. The proposal is for a change of use and the extension proposed would not exceed the height of the existing building on the site and therefore, would raise no safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

Impact on Residential Amenities

The properties that would be most immediately affected by the proposals would be No.s 21 and 23 London Road which are located to the west of the site and these properties front directly onto London Road. The vehicular access to the south of these neighbouring properties provides access to the application site and to the rear of the neighbouring properties.

There would be a distance of 7m between the application dwelling and the two neighbouring properties which are semi-detached. The space in between the buildings is separated into parking, amenity areas and bin storage for all three dwellings. A row of conifer trees exists along the common boundary between the application property and the neighbouring properties.

No.21 has a small enclosed yard to the rear providing some amenity space with parking beyond and No.23 has an open paved area to the rear which was occupied by bins and few garden items at the time of the officer site visit.

Concerns have been raised by Kegworth Parish Council and a neighbouring resident about noise and disturbance from the occupation of the building as a HMO, both in terms of day to day living and with the occurrence of parties.

It is accepted that the occupation of a dwelling by eight people would give rise to some noise and disturbance to neighbouring residents, particularly given the close proximity of the application and neighbouring properties. This would be particularly so if there were a party situation with loud noise and the associated comings and goings.

However, the application must be assessed in the context of the existing situation and the property is currently in use as a HMO for up to six people with the appropriate licence. Members are advised that the existing use for up to six people is permissible under the provisions of Class L, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consideration has to be given as to whether the additional noise and disturbance generated by the two additional occupiers would give rise to a significant adverse impact on neighbouring residential amenities to warrant a refusal of permission in this case.

Whilst it is accepted that there would be a large number of residents occupying a single dwelling, it is not considered that the two additional occupiers would give rise to significant noise and disturbance above the existing permitted occupation as a HMO to warrant a refusal of permission on this ground. No objections have been received from the Council's Environmental Protection team.

Concern has been raised about the location of the proposed bin storage immediately in front of No.21 London Road and amended plans have been secured to relocate the bin storage area away from the neighbouring dwelling.

Overall, for the reasons set out above, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Other

With regard to comments that have not been addressed above, whether an HMO is appropriate in a location must be determined on the planning merits of that particular case.

With respect to comments about blocked drains, it is understood that this arose due to inappropriate items being flushed down the toilet. There is no evidence to suggest that the use of the building by two additional occupiers as part of a HMO would give rise to further drainage problems.

Conclusion

In conclusion, the site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenities, design or highway safety and would maintain the character and appearance of the Kegworth Conservation Area.

Accordingly, it is recommended that the application is permitted, subject to conditions.

RECOMMENDATION -PERMIT, subject to the following condition(s):

- 1 – Timescales
- 2 – Approved plans
- 3 – Bin storage
- 4 – Off street car parking spaces
- 5 – Use as specified