

Application No: [W 19 / 1165](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

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Registration Date: 09/07/19

Expiry Date: 03/09/19

Peacock Hotel, 149 Warwick Road, Kenilworth, CV8 1HY

Renewal of permission W/16/1203 for the Change of use from Hotel (use Class C1) to a 37 bedroom House in Multiple Occupation (HMO) (Sui Generis) and the insertion of 3no. additional windows. FOR Mr. Kumar Muthalagappan

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 the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the renewal of extant permission W/16/1203 for the change of use from a hotel (use class C1) to a 37 bedroom House in Multiple Occupation (HMO) (use class sui generis), with the insertion of 3no. additional windows.

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 outside the town centre. The access to the hotel is to the southern side, and runs along the shared boundary with No.151 Warwick Road.

PLANNING HISTORY

In 2013 an application was approved for the change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation (W/13/1204).

In 2016 planning permission was renewed for the change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation (W/16/1203).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

Neighbourhood Plan

- Kenilworth Neighbourhood Plan KP13

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Neutral, members request that Officers seek renewed justification for the change of use in light of the change in various circumstances nearby to the site. They also raise the potential impact on air quality; query whether the development complies with the required parking standards, refuse storage, electric charging points for vehicles and whether disabled access is provided.

Private Sector Housing: Objection, some of the bedrooms rely solely on rooflights, some occupiers would have to travel externally to the communal facilities, the catering facilities appear to be substandard.

Waste Management: No objection.

Environmental Health: No objection, subject to conditions.

WCC Highways: No objection.

Public Responses: 5 Objections:

- there is no need for the change of use of the building into apartments following the approval of other residential development in the nearby area;
- additional traffic would lead to further congestion;
- the premises have been deliberately run down;

- the hotel is needed due to the lack of other visitor accommodation in the surrounding area;
- approval will open the floodgate for others;
- the impact on neighbouring residential amenity (noise disturbance, loss of privacy);
- the impact on air quality;
- query on waste and recycling storage.

ASSESSMENT

The development is the same as extant permission W/16/1203. The application seeks to make no additional changes than that which were approved under this application. There have however been the following material changes in circumstances since approval of the previous application which are relevant:

- Adoption of the new Local Plan in 2017.
- Updated Vehicle Parking Standards in June 2018.
- Adoption of the Kenilworth Neighbourhood Development Plan (KNDP) in November 2018.
- Adoption of the Air Quality & Planning Supplementary Planning Document in January 2019.

These elements are therefore considered below. The following issues are considered relevant to the assessment of the application:

- Principle of the change of use: Loss of the existing hotel & whether the proposals would cause a harmful over-concentration of HMOs in this area
- The impact on the amenity of the area and living conditions of local residents
- Waste
- Parking and Highway Safety
- Private Sector Housing
- Other Matters

Principle of the change of use

Loss of the existing hotel

There have been objections from members of the public regarding the loss of the existing hotel, and a query from the Town Council suggesting that the applicant should justify the loss of the hotel. Members of the public consider that the hotel is needed due to the lack of other visitor accommodation in the surrounding area.

However, there are no Local Plan policies or policies within the KNDP which restrict the loss of hotels outside of the Town Centre. It should also be noted that the extant permission for the change of use is a material consideration. The loss of the existing use is therefore considered to be acceptable in principle.

Whether the proposals would cause a harmful over-concentration of HMOs in this area

Policy H6 of the adopted Local Plan states that 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 total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) 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

- a) There is 1 existing HMO within a 100 metre radius of the application site. The proposed change of use would result in 5.9% of dwellings within a 100 metre radius of the site being a HMO (for the purposes of the assessment, Officers have split the property into cluster flats of 7 bedrooms each, which individually would have required permission if they came before the Council separately).
- b) The application property is located within 400 metres of a bus stop.
- c) The property would not sandwich a non-HMO between another HMO.
- d) The change of use would not lead to a continuous frontage of 3 or more HMOs
- e) A dedicated refuse and waste storage area is proposed which would ensure that it is stored out of sight from public vantage points.

Therefore, the development is considered to comply with adopted Local Plan Policy H6.

The impact on the amenity of the area and living conditions of local residents

Policy BE3 of the adopted Local Plan states that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The Article 4 Direction was put in place and Policy H6 adopted on the basis of evidence which demonstrates that the concentration levels of HMOs within an area contributes to adverse impacts including noise and disturbance, social cohesion and litter.

KNDP policy KP13 states that development proposals should have regard to the impact on residential amenity of existing and future residents.

There have been objections from members of the public that the proposed use would cause noise disturbance and loss of privacy.

There would be no additional built form as a result of the proposed development. However, Environmental Health Officers note that given the large occupancy of the proposed HMO, they have concerns regarding the potential for noise generated by occupants of the development, the accumulation of waste, and the lack of maintenance of the dwelling, outdoor landscaped areas, and amenity spaces. To ensure that the premises is not occupied or utilised in such a way that is harmful to the amenities of surrounding existing residents, they recommend a suitably worded planning condition that shall require the submission of a management plan for the building to the local planning authority for approval prior to its occupation.

This was included as part of the extant permission and is therefore considered reasonable and necessary for the protection of neighbouring residential amenity.

The proposal is therefore considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13.

Waste

The Town Council and members of the public have raised queries regarding the waste and recycling storage for the proposed use.

There is a dedicated waste storage area provided within the site boundaries. Waste Management have no objection to the proposed change of use, but have queried whether a refuse vehicle could enter the site. However, it is more likely that a refuse vehicle would remain within the limits of the highway and collect waste from the site on foot (as with other residential properties along Warwick Road). It is also noted that the extant permission has the same waste storage arrangements, which is a material consideration.

The waste storage arrangements are therefore considered to be acceptable. A condition will be added to ensure that these are retained in perpetuity.

Parking and Highway Safety

Members of the public consider that the proposal would lead to additional traffic, which would lead to further highway congestion. The Town Council have raised a query regarding whether the development complies with the required parking standards.

The Vehicle Parking Standards have been updated since the previous approval, and the parking space size requirements have been increased in some instances. However, the parking requirement for the site remains the same as under the extant permission.

The required number of spaces for the site is 19 spaces. Officers requested that the plans were updated to ensure that all of the parking spaces were accessible and met with the Council's Vehicle Parking Standards, which has been completed by the agent. The scheme provides 20 spaces, which is considered to be acceptable. Cycle storage is also provided.

WCC Highways have no objection to the proposal and identify no risk to highway safety as a result of the change of use.

The Town Council have queried whether disabled access is provided. However, on a development of this scale, this would be a matter for Building Control.

The proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2, TR3 and the adopted relevant guidance.

Private Sector Housing

Private Sector Housing have objected to the application because some of the bedrooms rely solely on rooflights, some occupiers would have to travel externally to the communal facilities, and the catering facilities appear to be substandard.

Whilst these comments are noted, there is an extant permission for this site which could be lawfully commenced. This is a significant material consideration and none of the changes in circumstances which are relevant to the application materially impact on the proposed layout of the HMO.

The applicant has been made aware that if they seek a HMO licence for the layout as proposed that it would be unlikely that they would obtain one, but has declined to make any changes to the scheme.

Therefore, whilst the comments of Private Sector Housing are noted, because of the fallback position of the extant scheme, the layout is considered to be acceptable. It should also be noted that some of these comments relate purely to licensing matters.

Other Matters

Members of the public and the Town Council raise concern that the proposal would have a potential impact on air quality and whether electric charging points for vehicles are provided. However, as there would be no material increase in the anticipated vehicular trips to the site, it is not considered that the proposed change of use would have a detrimental impact on air quality. Therefore, it would not be reasonable to request electric vehicle charging points as mitigation, which Environmental Health Officers agree with.

Environmental Health have requested that a condition is attached for the provision of a noise assessment, and mitigation measures if required, to assess the impact of road noise on the future occupiers. They note that having reviewed other planning applications for new residential dwellings on Warwick Road, they are mindful that road traffic noise levels are elevated throughout the day and into the late evening, and thus have the potential to adversely impact on the amenity of proposed residents. Whilst these comments are noted, the extant permission, which does not have a condition requiring the provision of a noise assessment could be lawfully implemented. As this is a strong fallback position in support of the development without the condition requested by Environmental Protection, it is not considered reasonable to impose a condition of this nature on this basis.

Members of the public consider that there is no need for change of use of the building into apartments following the approval of other residential development in the nearby area. However, as identified above, the principle of the change of use is acceptable in planning terms.

Members of the public state that the premises have been deliberately run down. However, the site appears to be still in use, and this has no material bearing on the assessment of the application.

Members of the public also express concern that approving the development will open the floodgate for others. As identified above, the proposal is considered to be acceptable in planning terms, and therefore is not considered to set an undesirable precedent. Furthermore, each application is determined on its own merits.

Conclusion

It is considered that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and subject to adequate control through a management agreement, would not have a harmful impact on neighbouring residential amenity. The proposal provides adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, the proposed change of use should be approved.

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, 720.07A, 720.08, 720.09, 720.10, 720.12, 720.12A submitted on 9th July 2019 and drawing 720.11B submitted on 7th August 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The occupation of the buildings hereby permitted shall not commence until a management plan addressing the management and maintenance of the buildings; security and fire safety; the conduct of the occupants during occupancy; and community liaison responsibilities and procedures has been submitted to and approved in writing by the Local Planning Authority. That occupation shall only be undertaken in accordance with that management plan. **REASON:** To ensure a satisfactory standard of development in the interests of the amenities of the wider area in accordance with Policies BE1, BE3 and NE5 of the Warwick District Local Plan 2011 - 2029.

- 4 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
 - 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 BE1 of the Warwick District Local Plan 2011-2029.
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