

Item No. 1

Application Reference Number P/18/0606/2

Application Type:	Full	Date Valid:	23/03/2018
Applicant:	Mrs Payal Walker		
Proposal:	Change of use from class D1 (Day nursery) to large HMO (Sui Generis)		
Location:	51 Garendon Road LOUGHBOROUGH LE11 4QB		
Parish:	Loughborough	Ward:	Loughborough Ashby
Case Officer:	Helene Baker	Tel No:	01509 634741

This application is presented to the Plans Committee at the request of the ward councillor, Councillor Bradshaw, who objects to the application on the grounds of the significant percentage of HMOs within the local area, the proximity of the site to William Morris Halls of Residence and its access and the compounding of parking problems on Garendon Road and access difficulties for the care home at 50/52 Garendon Road.

Description of the Application Site

No 51 comprises a relatively large two storey detached property, built as a dwelling, with a single storey building at the bottom of the rear garden. The property as a whole is currently vacant but was last used as a day nursery. The curtilage of the property is relatively spacious and there is provision at the front of the site for five car parking spaces.

To the east of the application site is a drive which serves four other properties as well as providing a public footpath link between Garendon Road and Garendon Green. The application site is within a residential area; there are dwellings to the side, rear and opposite the application site.

There is an extant outline planning permission for the erection of 4 x flats (Class C3) with associated parking in the curtilage of No 55 Garendon Road to the east of the application site.

Within 40 metres of the application site, and closer to Epinal Way, is the vehicular entrance to John Phillips Close, which provides one of three vehicular accesses to the William Morris Halls of Residence. This is supervised university accommodation for up to 478 students providing charged on-site parking spaces. This student accommodation has pedestrian accesses onto Epinal Way and Ashby Road which lead to the town centre and University campus.

Apart from double yellow lines along short sections of Garendon Road between the application site and the Epinal Way junction, there are no parking restrictions along Garendon Road. The residents were consulted on a residents' parking scheme in 2011 as part of the West of Loughborough Parking Study. This was overwhelmingly rejected by residents and as a result never implemented. The Highway Authority has reportedly been

contacted more recently about alleged parking problems on the road but it has been judged that there is currently no justification for the implementation of a scheme to deal with the alleged problems.

Description of the Proposal

This application is for the change of use of use of 51 Garendon Road from a 35 place day nursery (Class D1) to a large House in Multiple Occupation (HMO) (Sui Generis). Six bedrooms with a kitchen, lounge and 2 shower/wcs are proposed to be provided within the larger buildings at the front of the site. Three bedrooms with a lounge, kitchenette and bathroom are proposed to be provided within the smaller building at the rear.

The existing five on-site parking spaces to the front and side of the frontage building are shown to remain. Covered parking for 5 cycles is also proposed within a shed and there is bin storage space within the spacious enclosed rear garden.

There are no proposed alterations to the external appearance of the property.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2: High Quality Design requires new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design which responds positively to its context. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS4: Houses in Multiple Occupation is concerned with managing the proportion of houses in multiple occupation. It states that the Council will support the well-being, character and amenity of communities by managing the proportion of houses in multiple occupation that, either in themselves, or cumulatively with other houses in multiple occupation, damage the social and physical character and amenity of a street or area, generate noise and disturbance which is detrimental to amenity, or generate increased demand for on-street car parking which would prejudice the safe operation of the highway or cause detriment to amenity. The policy explains that further policy and guidance will be prepared in respect of HMOs. In this regard, the Council has recently adopted its Housing SPD which is also a material consideration in determining the application.

Policy CS16: Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25: Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy TR/18 - Parking Provision in New Development indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4+ bedroom dwelling, although it states that this will be used as a starting point in assessing the level of provision and represents the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development; the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Material considerations

National Planning Policy Framework (NPPF)

The Framework does not make specific reference to control over HMOs but includes guidance which is relevant to this application as follows:

Paragraph 7 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 17 indicates that one of the 12 principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 50 calls for inclusive and mixed communities and that there should be plans for a mix of housing based on current and future demographic trends and the needs of different groups in the community. Planning authorities should be identifying the type and range of housing that is required in particular locations, reflecting local demand.

Paragraph 58 requires that decisions should aim to ensure that development, amongst other matters, creates an appropriate mix of uses and safe environments where crime and disorder do not undermine the quality of life or social cohesion.

Paragraph 69 indicates that local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve

places which are, inter alia, safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life.

Paragraph 123 requires that decisions on planning applications should aim to avoid noise giving rise to significant adverse impacts on health or quality of life.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

National Planning Policy Guidance (PPG)

This document provides additional guidance to ensure the effective implementation of the planning policy set out in the NPPF.

Housing Supplementary Planning Document (SPD) (adopted 11th May 2017)

This provides further explanation and guidance when dealing with Houses in Multiple Occupation proposal in the context of adopted Policy CS4.

The SPD provides a threshold methodology (at HSPD11) for assessing the concentration of Houses in Multiple Occupation against the criteria of Core Strategy Policy CS4 as part of understanding the potential for cumulative impacts. The methodology assesses the concentration of HMOs within 100m of the application site as a proportion of the total number of residential dwellings. Information on HMO numbers and locations is sourced from University accommodation records, analysis of electoral registers, the HMO register and third party data and it is considered that collectively, this gives the best indication available of the relevant household situation and the most accurate picture of local balance and amenity. Halls of Residence and purpose built student accommodation are not included in the calculation. However, any Halls of Residence and purpose built accommodation will be considered as part of the overall decision making process in terms of their impacts.

The SPD accepts that HMOs help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people (para 4.1) and it also repeats the objectives of Core Strategy Policy CS4 that seeks to support the well-being, character and amenity of local communities by managing the proportion of HMOs.

The Council has used a threshold of 20% in decision making and therefore changes of use to Houses of Multiple Occupation have usually been resisted in principle where the percentage of houses in multiple occupation exceeds 20% in a particular area. This approach has been accepted in appeal decisions. The SPD recognises that the threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and this SPD. These include those set out in the SPD at HSPD 12 Social and Physical Character and Amenity, HSPD13 Amenity Space, HSPD14 Noise Insulation and HSPD15 Parking.

Leicestershire Highways Design Guide (2018)

This guide, published by Leicestershire County Council, aims to achieve development that (inter alia) provides for the safe and free movement of all road users and encourages people to walk, cycle and use public transport and to feel safe doing so.

Relevant Planning History

P/07/0989/2: Conversion of dwelling to day nursery (Class D1) and erection of free-standing building to rear for nursery use. Planning permission granted June 2007

P/07/2679/2: Conversion of dwelling to day nursery (Class D1) and erection of freestanding building to rear for nursery use (revised scheme). Planning permission granted January 2008 subject to conditions including restricting its use to a nursery only (no other D1 use), no more than 35 children at the nursery at any one time, no more than 8 children in the garden/play area at any one time and no children at the nursery other than between 7.30am and 6pm on Mondays – Fridays.

P/17/1443/2: Change of use from children's nursery (Class D1) to residential (Class C3). Planning permission granted September 2017.

Responses of Statutory Consultees

Highway Authority

No objection to the proposal. It considers that there is sufficient on-site car parking to cater for the proposed development. It has had regard for the location of the site close to bus routes and the university. It considers that secure and covered cycle parking is necessary.

Other Comments Received

Local Ward Councillors

Cllr Bradshaw objects to the application on the grounds that there is already around 20% of HMOs, based on her local knowledge, within a certain radius of the application site (not strictly the 100m radius). Attention is drawn to the site's proximity to the University's Halls of Residence which is not included within the percentage calculation but which needs to be taken into account in the assessment of the cumulative impact it has on the concentration. She also has concerns about the exacerbation of on-street parking problems on Garendon Road and the impact on access and parking in relation to the care home at No 50.

Cllr Hacham objects to the application on the basis that there is an ongoing issue with parking on Garendon Road which needs to be addressed by the University or the County Council. He is concerned that the application site is close to the William Morris Hall and that this is not taken into account with the SPD methodology. He acknowledges that most students do not own cars and considers that some objections raised to this application relate to students generally even though they benefit the local economy.

Other respondents

Letters of representation have been received from the residents of 9 properties on Garendon Road.

The concerns raised are summarised below:

- The proposal would have a detrimental impact on the local community, particularly as students have no interests in the local area or people
- The proposal would result in an increase in noise and disturbance
- The proposal would exacerbate street parking problems in the area to the detriment of highway safety.

The applicant has responded to the representations confirming that the objections do not take account of the volume of traffic or parking generated by the permitted nursery use at the site, the large amount of on-site parking available, that there will be no disturbance to No 49 as the access to the rear building will be on the opposite side of the application site (with a restriction on residents using the side entrance adjacent to No 49) and that the parking is not specifically created by students (as not all students own cars) but by the non-implementation of the residents' permit scheme. She offers to restrict the occupiers of the proposed HMO to 5 cars only.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of development
- The effect of the proposed development on the local character and amenities of the area in respect of:
 - the balance of the local community
 - anti-social behaviour
 - noise and disturbance and
 - amenity space
- Highway safety

Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

The supporting text to Policy CS4 states that, whilst the Council values Loughborough University and Loughborough College and the significant economic, social and cultural contributions the student population brings to Loughborough, a negative impact has been experienced in some neighbourhoods because of the over concentration of HMOs. These impacts have affected some community facilities, the character and appearance of the area and caused disturbance and parking problems.

In response to this, the Council has developed a strategy for managing the proportion of HMOs in Loughborough, particular where it is demonstrated that there are associated adverse impacts. The application site is within the main urban area and, whilst the principle of development is acceptable, the proposal needs to be considered in relation to relevant policies and detailed criteria as discussed below.

The impact on the balance of the local community

This is an issue that is addressed in the adopted Housing SPD which uses a threshold approach to assess whether there is already a high concentration of HMOs in a specified area and seeks to resist further HMOs (small or large) where there is already 20% or more HMOs within a 100m radius of the application site.

The 20% threshold allows for consistency in decision-making on proposals for changes of use to HMOs and has been recognised by appeal inspectors as the level above which the problems associated with higher concentrations of students occur. Recent appeal decisions relating to Class C4 changes of use at Ashleigh Drive, Grange Street, Derby Road, Park Road, Frederick Street, Ashby Road and Goldfinch Close (all within the built-up area of Loughborough) accept this threshold approach and attach weight to its use. The latter two appeal decisions were made since the Housing SPD was adopted in May 2017.

The number of HMOs in the local area within which the application site is located, based on the 100m radius methodology, is 4 out of a total of 38, equating to 10.5% of the residential stock. Cllr Bradley disputes this figure however properties which she reports to be HMOs are not all within the 100m radius and 2 which form a care home.

It is acknowledged that a small part of the William Morris Halls of Residence (comprising part of the former John Phillips Court) does fall within the 100m radius area of the application site. The Halls are not included within the percentage figure but will be considered as part of the overall decision making process in terms of their impact.

The Halls, as a whole, provide warden-controlled accommodation for up 478 students. There are vehicular accesses to the Halls from Garendon Road (close to Epinal Way) and Ashby Road and there is charged on-site parking. Main pedestrian accesses to the site are from Ashby Road, directly opposite the university campus and Epinal Way which provides an alternative route to the town centre via Ashby Road.

In considering their impact on the balance of the community, the following site characteristics have been taken into account:

- the Halls of Residence are warden-controlled
- the main pedestrian accesses to the site are from Ashby Road and Epinal Way rather than Garendon Road which provides a less direct route to both the university campus and the town centre and transport corridors.

The area within which the application site is located is predominantly residential in character. The existing use of the site as a children's nursery (Class D1 use) has the

potential to result in greater noise and disturbance on weekdays relative to a residential use of the property. The proposal would bring this non-residential use back into residential use which would be more compatible with the surrounding area.

The adopted methodology indicates that HMOs in the defined area are well below the 20% threshold. The nearby Halls of Residence and their characteristics have been carefully considered, as described above. However it would be difficult to argue that this proposal would adversely affect the community balance and the availability of family housing in the local area so as cause such harm to the social character and general amenities of the local area to justify the refusal of planning permission on these grounds. It is considered therefore that the proposal accords with Policies CS4 of the Core Strategy and the NPPF.

It is acknowledged that the threshold is one aspect of the assessment which is not confined to the mathematics of the case. There are other considerations which need to be assessed and a judgement reached as to whether the level of harm that would be caused, whether individually or cumulatively, to support the refusal of planning permission or whether the impact would be limited so as to indicate that planning permission should be granted. These other considerations are assessed below.

Anti-social behaviour and noise and disturbance

The adopted Housing SPD acknowledges that where there is a high proportion of HMOs it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours, and increases in crime and fear of crime. In addition, HMOs can often be noisier than a family home because of the number of people who are living independently with the property which can adversely affect the amenity of neighbouring properties.

Information from the Borough Council's Community and Partnerships Service shows that over the past year, there have been a total of 14 recorded incidents in the local area (including John Phillips Close which is within the Halls of Residence site) relating to anti-social behaviour. None of these incidents are recorded as specifically related to students or took place within John Phillips Close. In addition, not all occurred during the university term time. Given the relatively low level of incidents of anti-social behaviour in the local area and taking account of the above, it is not considered that the proposal would be likely to lead to increases in anti-social behaviour, crime or fear of crime which would be damaging to the living conditions of local residents and the amenity of the local area.

The nearby Halls of Residence site takes its principal pedestrian accesses and main routes to the campus and the town centre from Ashby Road and Epinal Way. Whilst there is an access to the Halls from Garendon Road, this entrance is close to Epinal Way thus reducing the potential for vehicles associated with the Hall of Residences passing down Garendon Road itself. Taking account of these site characteristics and the recorded incidents of anti-social behaviour as described above, it is not considered that the Halls of Residence have a damaging impact on the amenity of the local area in terms of anti-social behaviour or noise and disturbance, such that this proposal would, cumulatively, be unacceptable.

HMOs can often be noisier than a family home because of the number of people who are living independently within the property which can adversely affect the amenity of neighbouring properties. Given that this property is detached and has a permitted use as a nursery (Class D1), it is not considered that the proposal is likely to result in a more intensive use of the property, with more comings and goings which would be likely to result in a significant increase in noise and disturbance. Restricting pedestrian access from the front of the property to the rear building by the access to the south of the frontage property rather than along the northern site boundary with No 49 would help to mitigate noise and disturbance to that residential property.

To conclude, whilst it is considered that there may be instances where a clash of lifestyles or behaviour could cause noise and disturbance to neighbouring occupiers, it is considered unreasonable to assume this will happen to an extent greater than might be the case with other types of property use or occupation. To recognise this as a potential harm in all cases is not a matter that can easily be expressed as a planning objection. Such occurrences may be dealt with by other forms of regulation. It should be borne in mind that a HMO may be occupied by professionals rather than students or other persons sharing the property. It is considered that this proposal would not result in a significant increase in noise and disturbance which would be damaging to residential amenity. The proposal does not therefore conflict with Policies CS2 and CS4, saved Policy EV1 and the SPD.

Amenity Space

In terms of amenity space for the storage of refuse/recycling containers, there is adequate provision for such storage within the rear garden which would be secure, unobtrusive and accessible to residents. The property has a frontage which could satisfactorily accommodate bin storage in a location which is accessible to refuse collectors.

In terms of storage of refuse/recycling storage and the potential for its negative impact, the proposal accords with HSPD13 and 12.

Taking account of the above, the proposal is judged to accord with Policies CS2 and CS16 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the adopted Housing Supplementary Planning Document.

Highway safety

In considering this issue, there are a number of material considerations which need to be taken into account. The site has an authorised use as a 35 place nursery which has the potential to generate significantly greater volume of traffic and parking than the proposed HMO.

In addition, the property has five off-site parking spaces. This is considered to be sufficient parking for the proposed development, a view endorsed by the Highway Authority. Covered on-site cycle parking is also proposed. The application site is also situated within walking/cycling distance of the town centre and university campus and is close to a bus route. The occupiers of the property would not, therefore, be solely reliant on the use of a car to meet daily needs.

These factors need to be weighed against the reported street parking problems in the local area where there are currently minimal parking restrictions and no residents parking permit scheme or driving prohibition orders.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe cumulative residual impacts caused by the proposal. Given the provision of acceptable off-street parking on the site which accords with saved Policy TR/18, its convenient location and its more intensively trafficked authorised use, it is not considered that the proposal would result in such impacts. It is not considered necessary, reasonable or enforceable for a condition to be imposed on the planning permission restricting car ownership of the tenants of the HMO to five in total, as suggested by the applicant. This is a matter that could be separately managed by the applicant.

The proximity of the nearby Halls of Residence has been considered in respect of highway safety. The close proximity of the Garendon Road entrance to Epinal Way reduces the potential for vehicles associated with the Halls of Residence passing down the longer section of Garendon Road where cars are parking on both sides of the road. There is also chargeable parking on the Halls of Residence site for students. It is understood that the University actively seek to discourage students living in Halls of Residence from bringing a car to the town without a dedicated car space and this is written into their living accommodation contracts.

Whilst it is recognised that this is not easily enforceable by the University, there is no evidence that the alleged parking problems on Garendon Road are directly attributable to students residing at the Halls of Residence.

Taking account of the above, it is not considered that the Halls of Residence have a damaging impact on the safety of the highway in the local area, such that this proposal would, cumulatively, raise the level of impacts to severe.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework as well as saved Policy TR/18 of the adopted Local Plan

Conclusion

The framework makes it clear that there is a presumption in favour of sustainable development. All proposals are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the reasons given above, it is considered that the proposed change of use would not result in an overconcentration of HMOs in the area that would result in a community imbalance. Furthermore the proposal would not result in harm to the residential character and amenity of the area or be detrimental to highway safety. It would therefore comply with Policies CS2, CS4 and CS16 of the Core Strategy, Policies EV/1 and TR/18 of the Local Plan and the Housing SPD.

Accordingly, having regard to the above considerations, it is recommended that planning is granted conditionally.

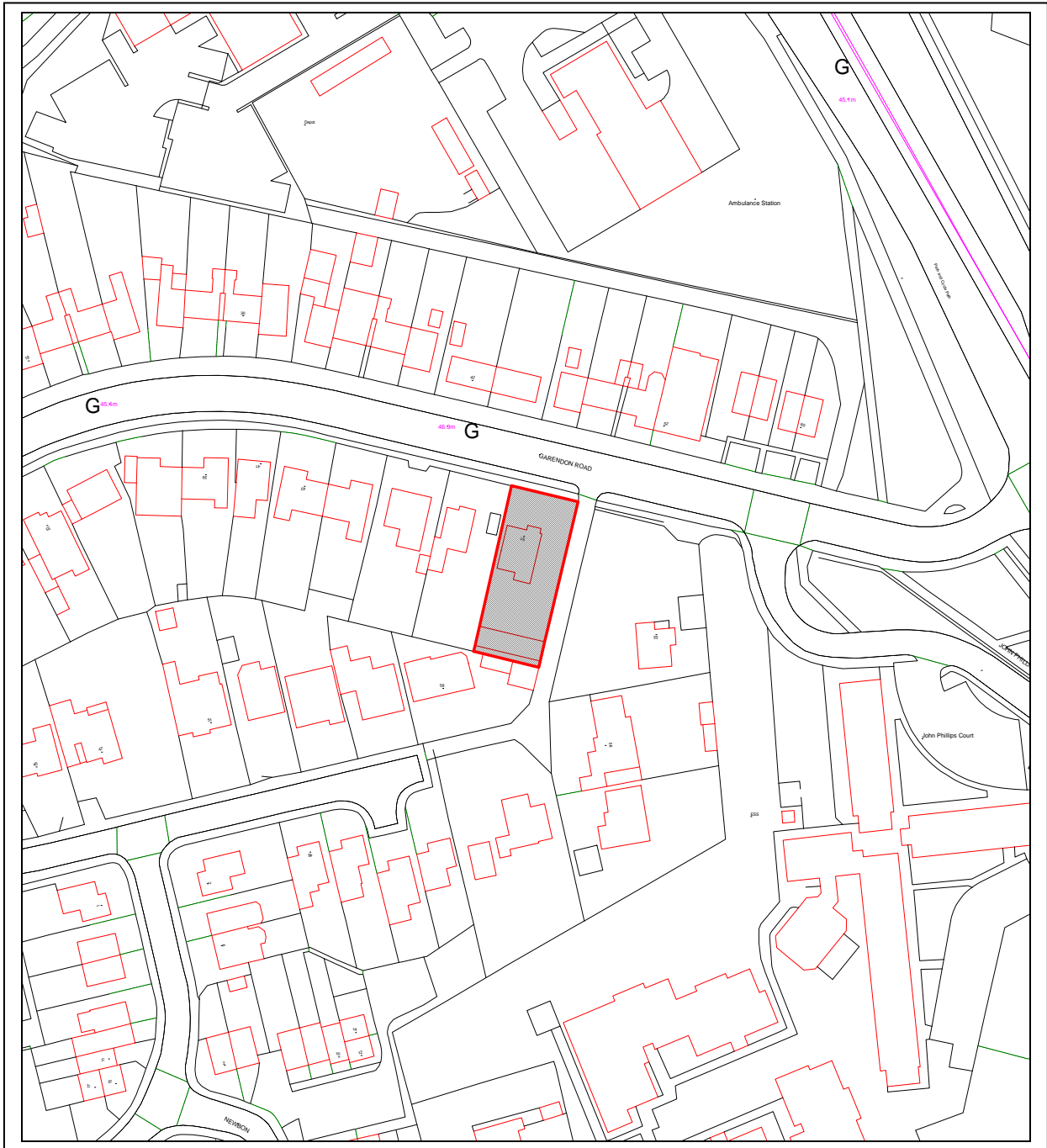
RECOMMENDATION:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, R/1810/L(0)01, 02, 03 and 04.
REASON: To define the terms of the planning permission.
- 3 The five on-site car parking spaces shown on the approved plan shall be available for parking at all times and shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 4 The use hereby permitted shall not commence until the five covered and secured cycle parking spaces shown on the approved plan have been provided. This cycle parking provision shall be available at all times thereafter for this purpose.
REASON: To encourage the use of bicycles as an alternative to the car.
- 5 There shall be no pedestrian access from the frontage of the site to the rear building via the pathway on the northern side of the frontage property at No 51 Garendon Road.
REASON: To mitigate the potential for noise and disturbance, in the interests of residential amenity.

The following advice notes will be attached to a decision

- 1 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.



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