

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 4

Application No.:	17/00111/FULL
Location:	40 Kings Road Windsor SL4 2AG
Proposal:	Change of use from registered HMO (10 units) to 3 x 1-bed and 2 x 2-bed flats
Applicant:	Mr Butt
Agent:	Mr Alex Chapman
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 This application proposes the change of use of a house in multiple occupation (HMO with a total of 10 bedrooms) to 5 flats (3 x 1-bed and 2 x 2-bedroom flats). It is considered that the principle of the proposed development is acceptable and would not conflict with Policy H7 of the Local Plan, particularly as 8 of the existing units are not completely self contained. As there are no external changes proposed to the building and a reduction in the potential number of vehicle movements through a reduction in the total number of individual units, there would be no additional impact on neighbouring properties, the Conservation Area, the setting of nearby listed buildings or on the highway.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site (outlined in red) comprises a large three storey brick building on the west side of Kings Road – consisting of No 40 and No 40A. The site is within a Conservation Area and there are nearby listed buildings. The site is not in the Green Belt and is not within an area liable to flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the conversion of No 40 into 5 flats (1 studio flat, 2x 1-bed flats and 2x 2-bedroom flats). No additional windows are proposed with all proposed alterations being internal – including a new staircase for one of the new flats which would be arranged over 2 floors, and new internal partitions.
- 4.2 There appear to be no planning applications relating to the conversion of the original building to a HMO (House of Multiple Occupation). However, the Council's Environmental Health Team records indicate that the building is registered as a HMO for a maximum of 10 units. It is understood that the Environmental Health Officers require the existing HMO accommodation to be upgraded to replace kitchenettes, install new inter-linked fire alarm system and improve the heating system.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections: Paragraph 17 - Core Planning Principles; Chapter 6 – Delivering a wide choice of high quality homes; and, Chapter 7 – requiring good design.

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Aircraft noise
DG1, H10, H11, H7 CA2, LB2	P4, T5	NAP2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development
- ii Impact on neighbouring properties
- iii Highway and parking considerations
- iv Impact on the Conservation Area and nearby Listed Buildings.

The principle of the development

6.2 The plans of the existing layout show the property at No. 40 consists of 10 units/bedrooms. As a large HMO this is a 'sui generis' use. However, for the purposes of Policy H7 of the Local Plan, No. 40 is residential land.

6.3 Policy H7 seeks to resist the loss of residential land or the loss of residential accommodation as this would affect the capacity of the Borough to meet its housing requirements.

6.4 Given that there would be no loss of residential land and the existing accommodation includes units which are not completely self-contained (as the majority of the units share bathrooms and kitchens), it is considered that there would be no conflict with Policy H7.

Impact on neighbouring properties and living environment for future occupiers

- 6.5 The proposed conversion of the building will not result in any additional adverse impact on neighbouring properties, in terms of general noise or disturbance. It is noted that the proposal would result in a reduction of 3 bedrooms within the building and as such is likely that the total number of inhabitants in the proposed 5 flats would be likely be less than that in the existing building. As there are no new windows proposed there would be no additional overlooking to neighbouring properties.
- 6.6 There is an existing garden area at the front of the building and the site is within close proximity of the nearby parks and public amenity areas. It is considered that the building provides a satisfactory living environment for future occupiers.

Highway and parking considerations

- 6.7 The site is 920m from the town centre and railway stations. The Council's criteria of a sustainable site, is one that is within 800m from a town centre with a main line railway station. The site falls outside of this distance.
- 6.8 Parking restrictions such as double yellow lines, residents parking permits and pay and display operate within the area which prevents indiscriminate parking. No off street vehicle parking details have been submitted and from undertaking a site visit the property does not appear to have any off street parking off St Marys Cottages or Kings Road.
- 6.9 Through the proposed conversion from 10 units to 5 flats, it is considered that the amount of vehicular activity associated with this site, is likely to be less than the existing situation. It should be noted the proposed development would have the potential to generate 14 to 28 vehicle movements per day. It is considered that the existing use as HMO would have the potential to generate between 20 to 40 vehicle movements per day.
- 6.10 Current highway records show that each existing unit is entitled to 1 parking permit. With reconfiguring the building to provide 5 flats, only 5 parking permits (1 per flat) will be allocated. The parking permits are issued to individual address points – one per dwelling unit and renewed on a yearly basis. Therefore the change of use can be seen as a highway gain as 5 on street parking spaces will potentially become available. In the circumstances, there is no reasonable justification to withdraw the issuing of parking permits to future occupiers.
- 6.11 Current standards state that 5 properties require a total of 3 bins. There is an existing bin store within the courtyard area (towards the rear of the building). Cycles can also be stored within this area. See conditions 2 and 3 in section 10 below to secure cycle and refuse storage areas.
- 6.12 It is also considered necessary to impose a condition to secure a construction management plan (for deliveries, storage of materials etc.) because there are waiting restrictions along Kings Road and the lane to the rear is restricted in width. See condition 4 in Section 10 below.

Impact on the Conservation Area and nearby Listed Buildings

- 6.13 The proposal does not include any external changes to the building and there will be a reduction in the overall number of units. The proposed change of use is therefore considered to be acceptable and would preserve the character of the Conservation Area and preserve the setting of nearby listed buildings. There would be no conflict with Local Plan policies CA2 and LB2.
- 6.14 In making this recommendation, consideration has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has also had special regard to the desirability of preserving the setting of nearby listed buildings, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; it is considered that the proposals preserve the setting of the nearby listed buildings so the statutory test is met and also comply with Policy LB2 of the Local Plan.

Other Material Considerations

Housing Land Supply

- 6.15 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.16 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore may be liable for a Community Infrastructure Levy contribution. CIL is not charged to subdivide a house into two or more homes.
- 7.2 However, at present this building is not a house but is a large HMO which is considered to be a sui generis use. The Council has no records of a planning application or a certificate of lawfulness (existing use) being made for this current use.
- 7.3 The existing buildings would not attract CIL payments, where there is no increase in floor area proposed and where the existing floor space has been used for 6 months in the last 3 years for a 'lawful use'. This is known as the vacancy test.
- 7.5 In order for the existing HMO use to be considered a lawful use (and immune from enforcement action), the LPA would need to be satisfied that there was sufficient evidence produced to prove this.
- 7.6 Based on the submitted information and with no CIL exemptions, the maximum amount payable for this development (of approximately 321.7 square metres) could potentially be in the order of £77,208.00.
- 7.7 This matter will be addressed at the point prior to commencement of the development with the Council's CIL Officer.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 8 occupiers were notified directly of the application.
- 8.2 The planning officer posted a statutory notice advertising the application at the site on 18 January 2017 and the application was advertised in the Maidenhead Advertiser on 26th January 2017.
- 8.3 1 letters was received commenting on the application, summarised as:

Comment		Where in the report this is considered
1.	St Mary's Lane provides access to Nos 1 and 2 St Mary's Cottages. There are also 20 garages in use – therefore there needs to be freedom of movement along this lane at all times. The building company dealing with the project needs to realise that any building supplies, rubbish or vehicles etc. would need to be located at the front of the building – facing Kings Road.	See paragraph 6.12 of main report. A condition requiring the submission of a construction management plan will be imposed – see Condition 4 in section 10 below.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to conditions.	See paragraphs 6.7- 6.12 of main report and conditions 2,3,4, in Section 10 below.
Environmental Protection	Comments awaited.	Comments received will be reported in the panel update, if available.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided within the rear courtyard as identified on drawing 200 Rev 02. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7,

DG1

- 3 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with drawing 200 Rev 02. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 4 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.