

SCHEDULE A: Applications with Recommendation

13/0540

Item No: 06

Date of Committee: 30/08/2013

Appn Ref No:
13/0540

Applicant:
HTE Limited

Parish:
Carlisle

Date of Receipt:
10/07/2013

Agent:

Ward:
St Aidans

Location:

175 Warwick Road, Carlisle, CA1 1LP

Proposal: Change Of Use From 2no. Flats To 1no. Dwelling To Be Used As A Shared Residential Property For Upto 6no. Occupants With Parking Provision To Rear (Retrospective)

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the proposal on the character of the area
- 2.3 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the development on the floodplain
- 2.6 Other matters.

3. Application Details

The Site

- 3.1 Number 175 Warwick Road is a mid-terrace property located on the northern side of Warwick Road close to its junction with Victoria Place. The property has two floors with further accommodation in the attic space. There is a small amenity area to the front of the property with further amenity space in a

rear yard, accessed by a lane running to the rear of numbers 169 to 199 Warwick Road.

The Proposal

- 3.2 The proposal seeks the retrospective change of use from two vacant self-contained flats into a shared house with parking provision to the rear. The existing floor plans illustrated that the accommodation provided by the ground floor flat consisted of a living room, bathroom, kitchen, bedroom and store. The second floor flat consisted of common room/living room, kitchen, 2no. bedrooms, bathroom and w.c. with 2no. bedroom and study in the attic space.
- 3.3 The floor plans, in respect of this retrospective application, indicate that on the ground floor there is a lounge/kitchen, w.c., 2no. en-suite bedrooms. The accommodation on the first floor provides a lounge, kitchen, 1no. en-suite bedroom, bedroom and shower room with a further 2no. bedroom and bathroom in the attic space.
- 3.4 The rear yard area would provide parking for two vehicles and cycles together with space for dustbins and recycling bags and boxes.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of a Site Notice. In response, four letters of objection have been received.
- 4.2 The letters identifies the following issues:
1. works have commences prior to obtaining planning permission
 2. impact of proposal on parking
 3. several HMO's in area appear unkempt
 4. existing anti-social behaviour within area
 5. impact of proposal on existing businesses within area
 6. questions regulation of existing HMO's
 7. do the existing HMO's comply with Fire Regulations
 8. concerns over lack of insurance cover
 9. regulation of applicants
 10. decrease in value of surrounding properties

11. house should remain as a family homes or split into two apartments
12. transient nature of the occupiers of existing HMO's do not maintain external areas
13. potential for the property to be converted into an HMO
14. impact of the proposal on existing bed & breakfast businesses
- 15.increase in waste and littering
16. impact on the character of the area

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection in principle to this proposal;

Local Environment - Environmental Protection: - no objections;

Private Sector Housing: - Having taken into consideration the information supplied, and have the following comments to make on the application.

- The future re-occupation of this property would contribute to the delivery of the Council's Empty Property Strategy by bringing a long term empty home back into use (Carlisle and Eden Empty Property Strategy 2010). This is a key aim of the strategy along with providing advice and support to empty property owners.
- If the proposal is approved, the property will be classified as a Licensable HMO, having 6 lettings situated over three floors ie. Ground floor, first floor and second floor. On receiving an HMO Licence application, the Council must ensure that anyone involved in the management of the HMO is a Fit and Proper Person and that suitable management arrangements are in place, including measures to prevent anti-social behaviour.
- Based on the proposed layout plan, there will be two shared kitchens and two shared lounges for use by 6 occupants. Four occupants will have access to ensuite personal washing facilities and the occupants of the two second floor lettings will share a bathroom containing a shower, WC and wash hand basin. There is an additional WC compartment with wash hand basin on the ground floor. The provision of these amenities achieves the standards specified for this type of accommodation.
- All Fire Safety requirements in the property should meet those as stated in the LACORS guidance for Fire Safety in Residential Accommodation, available from www.carlisle.gov.uk . In addition, the owner of the property is required to undertake a fire risk assessment under the Regulatory Reform Fire Safety Order.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, H2, LE27 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration. The proposals raise the following planning issues:
1. Whether The Principle Of Development Is Acceptable
- 6.2 The application seeks Retrospective Planning Permission for the change of use of two vacant self-contained flats into a shared house for upto a maximum of 6 occupants. The property is located within a Primary Residential Area as identified in the Local Plan, therefore, as such Policy H2 is relevant. Policy H2 outlines that proposals for new residential development within Primary Residential Areas will be acceptable subject to four criteria. Furthermore, paragraph 51 of the NPPF highlights that *"local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies"*.
- 6.3 By way of background, dwellinghouses fall within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) as do flats. Use Class C3 categories dwellinghouses as: used by a single person or family; upto six people living together as a single household and receiving care; and groups of people (upto six) living together as a single household. As previously outlined, although dwellinghouses and flats fall within the same Use Class, planning permission is required for this proposal as flats do not have Permitted Development Rights.
- 6.4 In light of the foregoing, given that the application seeks retrospective permission for a residential use within a Primary Residential Area, the principle of development is acceptable.
2. Impact Of The Proposal On The Character Of The Area
- 6.5 Concerns have been raised by the occupiers of neighbouring properties in respect of the cumulative detrimental impact of the proposal on the character of the area. Citing existing problems experienced with Houses in Multiple Occupation (HMOs) within the same area such as unkempt appearance, littering etc.
- 6.6 Although the area is within a Primary Residential Area, of those properties located between 166-199 Warwick Road only four are private houses, numbers 176, 177 (currently for sale), 181 and 185 Warwick Road whilst numbers 193-199 and 182 (Woodbank Court) collectively house 10 flats. The remaining properties are either commercial properties i.e. five bed and breakfast establishments and a ground floor hairdressers or HMO's. The concerns of the occupiers of neighbouring properties are noted; however,

given that the use of the premises are residential, albeit a shared house, with minimal external alterations the property does not have such a significant adverse impact on the streetscene to warrant a refusal of the application.

3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.7 The occupiers of neighbouring properties have raised concerns in respect of the potential for the premises to impact on their living conditions through inappropriate tenants, unkempt appearance, littering etc. The objections of the neighbours are acknowledged; however, their concerns are unsubstantiated in respect of this property and as such can not be considered as a material planning consideration. A judgement has, therefore, to be made as to whether the use of the premises as a single shared house would have a significant impact on the living conditions of the neighbouring residents than its previous use, that of two flats.
- 6.8 In consideration of the application, the submitted floor plans indicate that there are six bedrooms in total whilst the total number of bedrooms in the flats were five. Given that the increase in bedroom space only equate to one, the development would not give rise to such a significant intensification of use to warrant refusal of the application.

4. Impact Of The Proposal On Highway Safety

- 6.9 The submitted drawings illustrate the two off-street parking spaces would be provided within the rear yard area together with cycle storage provision. The City Council's Parking Section has also confirmed that two Residents Parking Permits, to replace those of the previous tenants, have also been issued. In light of the foregoing, and given that the parking provision would be no worse than previous there would be no additional adverse impact on highway safety. Furthermore, Cumbria County Council, as Highways Authority, has confirmed that there is no objection in principle to the development.

5 Impact Of The Development On The Floodplain

- 6.10 The property is in Flood Zone 2 and 3 of the Environment Agency's Flood Map. The Environment Agency, therefore, request that applicants acknowledge such and provide a simple Flood Risk Assessment (FRA). The applicant has provided the FRA and acknowledged that there is a Flood Risk; however, it is felt that this proposal will not significantly affect the Flood Zone.

6. Other Matters

- 6.11 Several of the objectors have made reference to the use/potential use of the premises as a HMO. Although, the premises are classed as a HMO under the Housing Act 2004, under planning legislation they currently fall within Use Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Should the situation change i.e. increase in the number of occupants to more than six then a further planning application will be required.

- 6.12 In respect of other properties within the immediate area and the problems highlighted by neighbouring occupiers i.e. anti-social behaviour, unkempt appearance, littering, fire regulations, insurance etc these issues do not relate directly to 175 Warwick Road, therefore, can not be considered as material planning considerations when assessing this application.
- 6.13 Loss of value of existing properties is also not a material planning consideration.

Conclusion

- 6.14 The retrospective application is for re-use of two vacant flats as a dwellinghouse within a Primary Residential Area, therefore, is acceptable under the provisions of both the Local Plan and the NPPF. The proposal would not have a detrimental impact on the character of the area or on the living conditions of the occupiers of neighbouring properties. Adequate parking provision can be also be achieved nor would the development impact on the developed floodplain.
- 6.15 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 1989, Full Planning Permission was granted for the conversion of property into two flats (application reference 89/1042).

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form received 10th July 2013;
 2. the Design Access Statement received 10th July 2013;
 3. the Flood Risk Assessment received 10th July 2013;
 4. the photograph of the front elevation received 10th July 2013;
 5. the site location plan received 10th July 2013;
 6. the existing floor plans received 10th July 2013;
 7. the proposed floor plans received 14th August 2013;
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

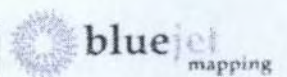
Reason: To define the permission.

175 Warwick Road

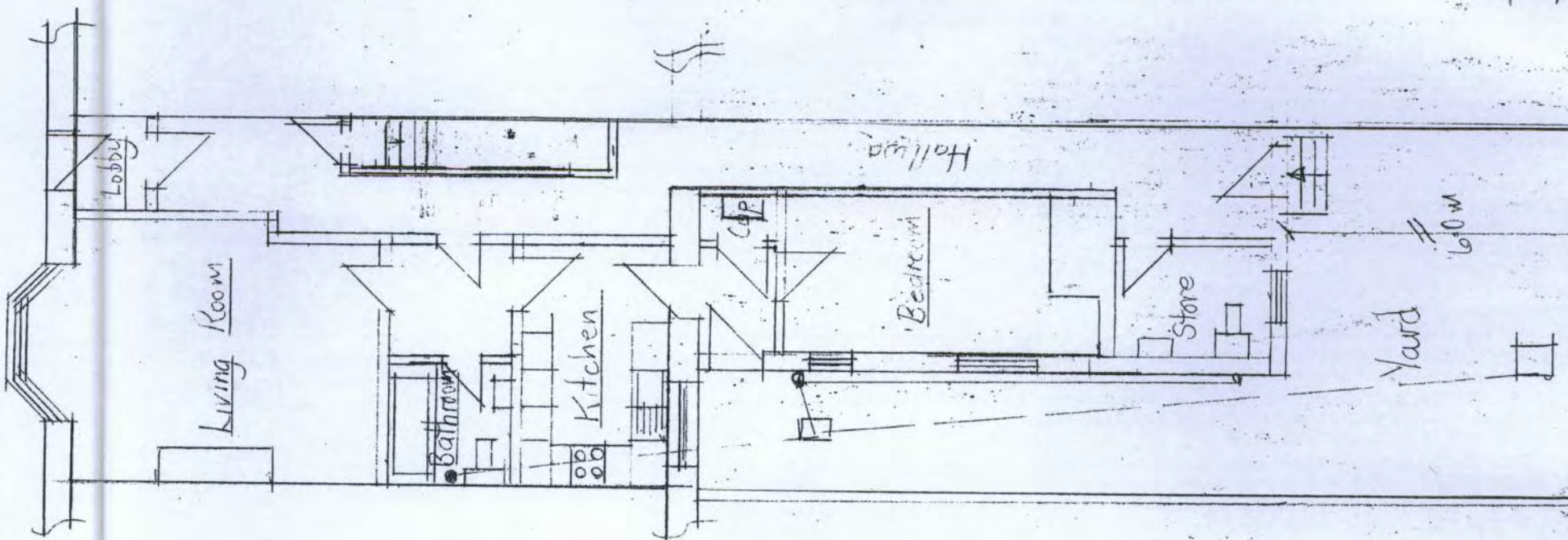


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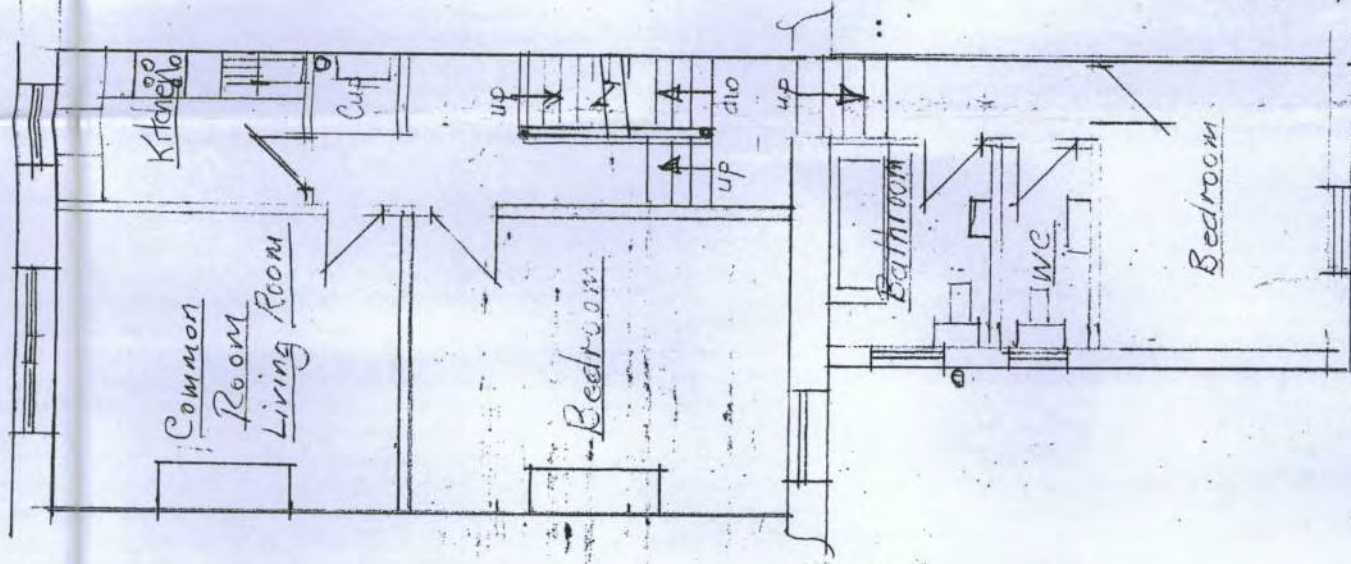
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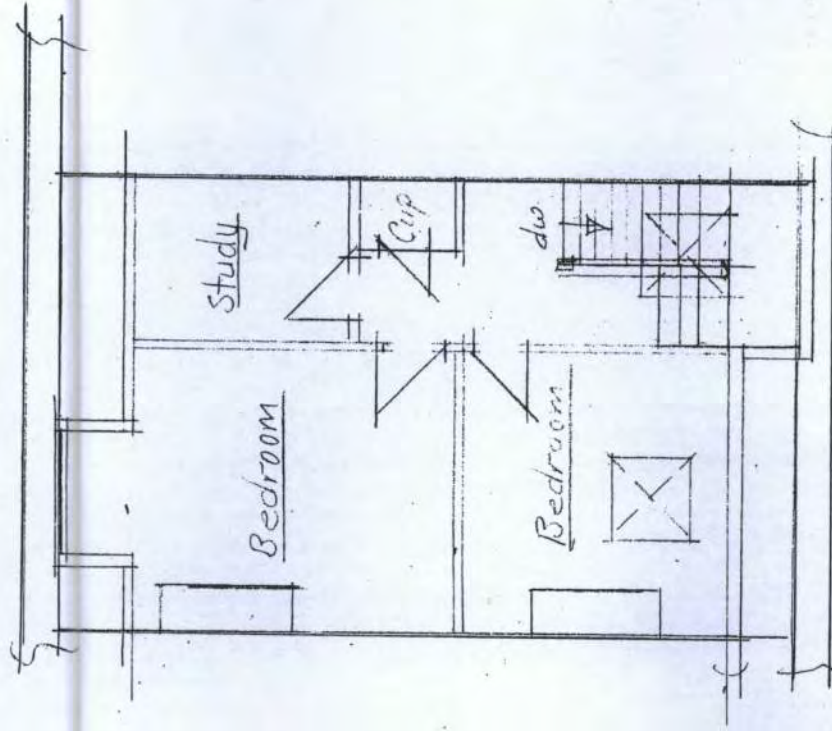
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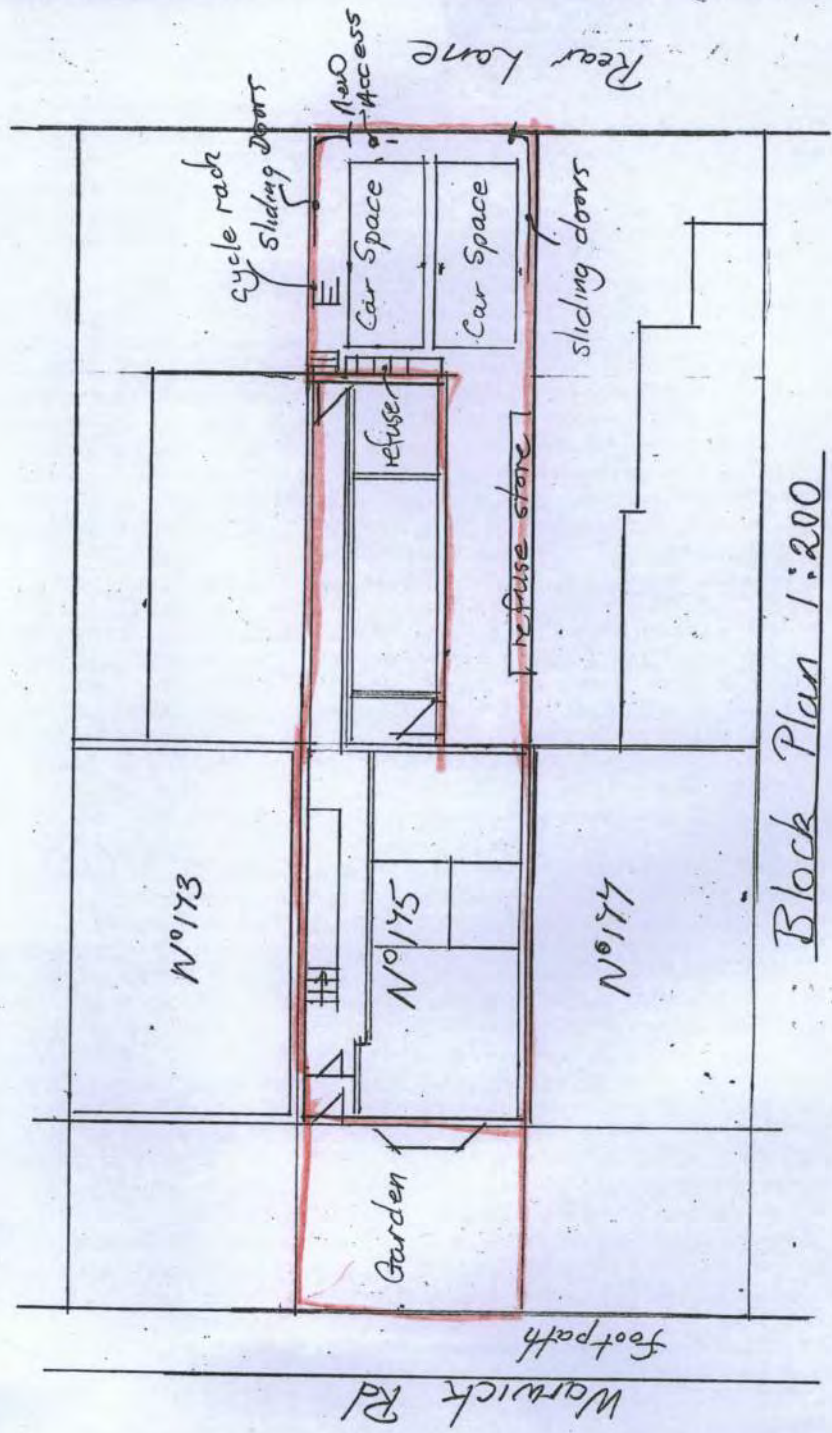
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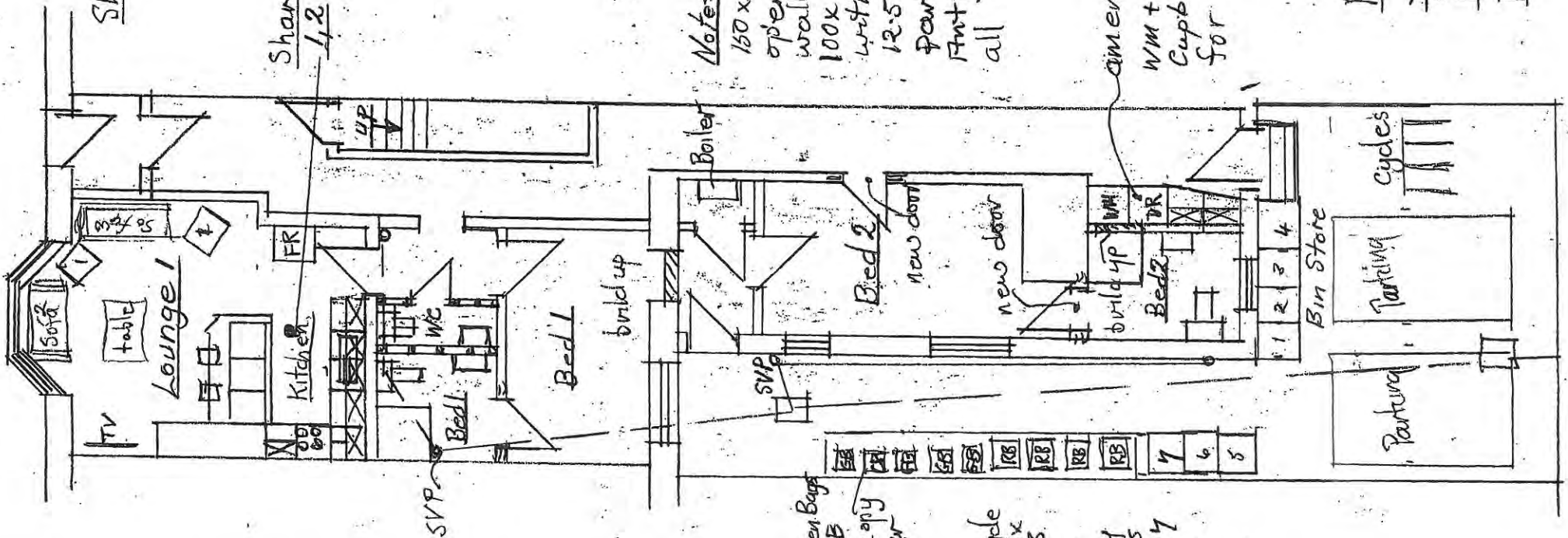
Block Plan 1:200

GROUND FLOOR FLAT, 1st & 2nd FLOOR BEDROOMS WITH LIVING ROOM

EXISTING PLAN 175 WARWICK ROAD

Scale 1:100

PROPOSED GROUND FLOOR

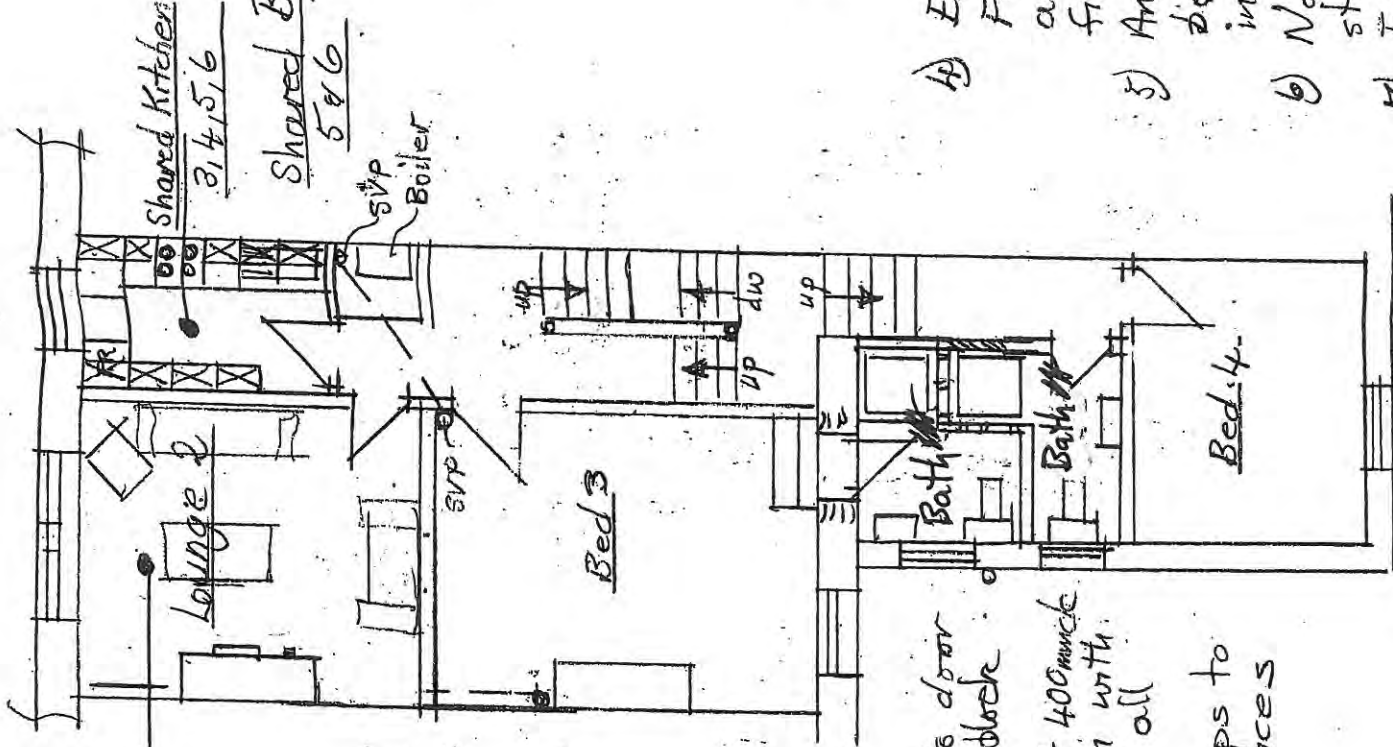


Notes

150x100 RC lintel to door openings through block walls.
100x50 timbers at 400mm c/w with 100 insulation with 12.5 p/b & shim to all partitions.
Entry syphon traps to all waste appliances

amenity area
WM + DR + Store
Cupboards
for 1,2,3,4,5

PROPOSED 1ST FLOOR

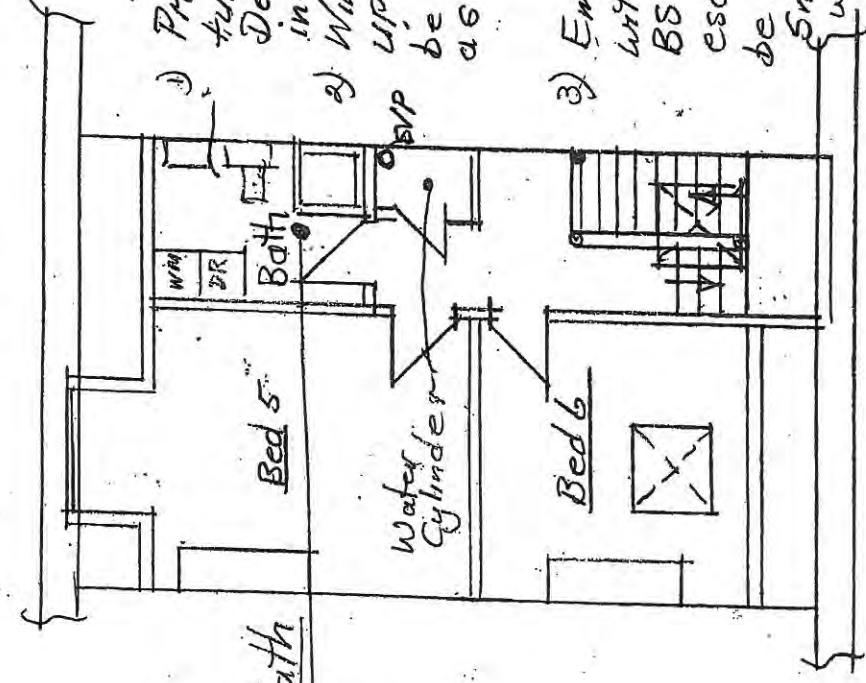


Notes

150x100 RC lintel to door openings through block walls.
100x50 timbers at 400mm c/w with 100 insulation with 12.5 p/b & shim to all partitions.
Entry syphon traps to all waste appliances

amenity area
WM + DR + Store
Cupboards
for 1,2,3,4,5

PROPOSED 2ND FLOOR



Notes

- 1) Property fitted with 5NP tumbler security locks. Doors to be operable from inside in case of fire.
- 2) Windows to be replaced with UPVC double glazed units to be bottom hung sash type as escape windows
- 3) Emergency lighting complying with BS EN 50142:2004, BS 5266-8:2004, Emergency escape light system to be installed on each landing. Smoke detectors fitted where necessary.

- 4) External doors to each room shall be fitted with FD30 fire doors complying with BS 5888, installed and maintained in accordance with BS 8214 and fitted with self closing devices.
- 5) An automatic fire detection and warning system to be installed complying with BS 5839 including an integral control panel and alarm sounder on each floor.
- 6) Non slip stair nosings to be installed on all stair treads.
- 7) Each bathroom to be fitted with an automatic vent extraction system of 90m³/hr 2546:2546(A) 9W-IP45 rated motor.
- 8) Drainage to have access points at main direction changes, with Dingo valves if necessary. Also adding access to waste pipe systems throughout, all encased to give 2hr f.r.
- 9) Electrical & Emergency system to be installed by approved Contractors

ALTERATIONS - TO PROVIDE KITCHENS AND INSUIT FACILITIES
TO 6 NO BEDROOMS, PARKING SPACES, CYCLE RACK + RECYCLING SPACES
AT 175 WARWICK RD
For Mr Simon Brown

Scale 1:100