

Extended Delegated Decisions Meeting: 30 April 2020

Application No: [W 20 / 0381](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 25/03/20

Expiry Date: 20/05/20

65 Waverley Road, Leamington Spa, CV31 2DE

Proposed change of use from a residential property (C3) to a 3 bedroom house in multiple occupation (HMO) (C4). FOR Mrs Anne Duff

This application is being presented to the Head of Development Services due to the number of objections received.

RECOMMENDATION

The Head of Development Services, in consultation with the Chair of Planning Committee, is recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed change of use of a residential property (C3) to a 3 bedroom house in multiple occupation (HMO) (use class C4). There are no physical external alterations proposed to the dwelling.

THE SITE AND ITS LOCATION

The proposal relates to an existing 2/3 bedroom semi-detached residential property, located to the south west of Waverley Road. There is vehicle parking within the site boundaries for 2 cars and on street, unrestricted parking available.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation
- [Guidance Documents](#)
- Parking Standards (Supplementary Planning Document)
- [Neighbourhood Plan](#)
- Royal Leamington Spa Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to adequate waste storage.

Councillor Chilvers: Objection, there is no waste storage facilities in place. A bin storage area should be identified and designed, and commitment made to purchase additional storage containers.

Waste Management: No objection.

Private Sector Housing: No objection, advice regarding fire precautions. Space and amenity standards are met.

WCC Highways: No objection, subject to a condition to provide a secure cycle area.

Public Responses: 7 Objections:

- parking is already at saturation and emergency vehicle access is impossible;
- the concentration of existing HMOs is already too high;
- these are valuable homes that should remain available for families;
- the proposal would degenerate a family area and cause additional noise disturbance.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle of the development: whether the proposal 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

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

Members of the public state that the concentration of existing HMOs is already too high.

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 are 2 existing HMOs within a 100 metre radius of the application. The proposed change of use would result in 3.16% of dwellings within 100 metre radius of the site being a HMO.
- b) The application property is located within 480 metres of a bus stop.
- c) The property would not sandwich a non-HMO between 2 HMOs.
- d) The change of use would not lead to a continuous frontage of 3 or more HMOs
- e) The property benefits from a side entrance where the refuse containers could be stored out of view from public vantage points.

The application site is located approximately 480 metres walking distance from a bus stop, rather than the required 400 metres. Policy H6 confirms that the purpose of this requirement is to ensure access to public transport, which is essential for most University of Warwick students due to the restrictive parking arrangements on campus.

The difference in walking time between 400 and 480 metres is approximately 1 minute, which would provide a total walking time of 6 minutes to get from the application site to the nearest bus stop. Adequate cycle storage can be provided

within the site boundaries and there is adequate vehicle parking on site. The proposal would also not generate an increase in vehicle movements to and from the site. It is considered that a 6 minute walk to the bus stop would still be a reasonable walking distance, and not so much longer than a 5 minute walk which would likely deter the occupants from using this method of transport.

On balance, although the proposal represents a slight deviation from policy H6, taking all of these factors into consideration, including the low percentage of HMOs within the area, availability of adequate vehicle and cycle parking and the fact that the proposal otherwise meets all of the above policy limitations, it is considered that the change of use would be acceptable under these specific circumstances.

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.

There have been objections from members of the public that the proposal would degenerate a family area and cause additional noise disturbance.

There would be no additional built form as a result of the proposed development. Given that the concentration of HMOs would be well within the limits set by Policy H6, it is therefore unlikely that this would generate additional noise disturbance, litter or harm social cohesion to an extent which would warrant reason for refusal of the application.

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

Waste

A local Councillor has objected to the proposal, stating that there is no waste storage facilities in place. They suggest that a bin storage area should be identified and designed, and commitment made to purchase additional storage containers.

However, there is no additional waste storage requirement for this size of HMO in comparison to the existing use and Waste Management have no objection to the proposal. Ample waste storage space is available within the site boundaries; bins

and recycling boxes can be stored out of sight and occupiers would be able to present rubbish on street, which is the same as the current arrangement.

For these reasons, adequate waste storage is considered to have been provided.

Parking and Highway Safety

There has been objections from members of the public that on-street parking is already at saturation and emergency vehicle access is impossible.

The existing parking requirement for the property is 2 spaces for a 2 or 3 bedroom property. The proposed use generates a need for 1.5 spaces, which is rounded to 2 in accordance with the Council's Vehicle Parking Standards. There would therefore be no additional demand for parking as a result of the proposed development.

WCC Highways have no objection to the proposal and identify no risk to highway safety as a result of the change of use. They have recommended that a condition is included for the provision of details of a secure cycle area. However, the property benefits from a gate behind which cycles could be locked, or cycles could be stored safely at the rear of the property. It is therefore considered that adequate secure cycle storage can already be accommodated at the site and therefore there is no justified need for a condition of this nature.

Whilst the comments from the neighbours are acknowledged, as there would be no increased parking demand and the proposal does not affect access arrangements to the site, Officers have no reason to recommend refusal of the application on this basis. The proposal is therefore considered to be in accordance with Local Plan policy TR3 and the adopted relevant guidance.

Private Sector Housing

Private Sector Housing have no objection to the proposed development and note Building Regulation requirements regarding fire precautions. They also state that the required space and amenity standards are met for the purposes of a HMO licence.

Other Matters

Members of the public who objected to the proposal have stated that these are valuable homes which should remain available for families. However, there is no policy requirement that the existing property should remain as a C3 residential property. Furthermore, there would be nothing to prevent the existing home being used by two sharers for example, rather than as a family home as suggested by members of the public.

It is noted that there are no Royal Leamington Spa Neighbourhood Development Plan policies applicable to this application.

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 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 is recommended for approval.

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 drawing "Proposed Floor Plan", and specification contained therein, submitted on 9th March 2020. **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.
-