

**Planning Committee:** 31 March 2020

**Item Number: 6**

**Application No:** [W 20 / 0011](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton

**Registration Date:** 03/01/20  
**Expiry Date:** 28/02/20

01926 456544 rebecca.compton@warwickdc.gov.uk

**19 Brunswick Street, Leamington Spa, CV31 2DS**

Change of use from 3 Bedroom flat (Use Class C3) to a 4 bedroom HMO (Use Class C4) FOR Mr K Sahota

-----

This application is being presented to Committee due to an objection from the Town Council having been received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**RELEVANT PLANNING HISTORY**

W/19/1186 - Erection of additional upper floor and change of use from 3 Bedroom flat (Use class C3) to a 5 bedroom HMO (Use Class C4) - Withdrawn.

**KEY ISSUES**

**The Site and its Location**

The application site relates to an upper floor flat situated in a mid-terraced Grade II listed building located on the north side of Brunswick Street, Leamington Spa. The area is considered to be mixed use with a range of commercial units such as retail and restaurants. The site is also situated within the Royal Leamington Spa Conservation Area.

**Details of the Development**

The application seeks planning permission for the proposed change of use from a C3 flat (Use Class C3) to a four bedroom House in Multiple Occupation (Use Class C4).

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets

- Guidance Documents
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on the grounds that there is insufficient parking and the proposal breaches Policy H6.

**Private Sector Housing:** Raised no concerns regarding space and amenity standards but made recommendations regarding fire safety.

## **ASSESSMENT**

### Principle of Development

*Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area*

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- 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;
- the application site is within 400 metres walking distance of a bus stop;
- the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- 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:

- Within a 100 metre radius there are 50 existing HMOs out of 275 residential units. The existing concentration level is at 18%. The addition of one further HMO would increase the breach of the 10% limit of HMOs within a 100 metre radius to 18.6%.
- The nearest bus stop is located opposite the application site on Brunswick Street which is within 400 metres walking distance of the property.
- The existing property does not sandwich a non-HMO between another HMO.
- It does not lead to a continuous frontage of HMOs.
- The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

Local Plan Policy H6 goes on to state that exceptions to a) may be made where the application site is located on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential

streets (for example, by way of pedestrian movements between the application site and the town centre or car parking).

Officers consider that the site is on a main thoroughfare. Brunswick Street which leads into Clemens Street is the main road from the south of Leamington into the town centre, via a commercial part of the town. The area is in mixed use, comprising of residential, retail and restaurants within the immediate area. The site is therefore considered to meet exception "a" as it is not likely that the proposal would lead to increased activity along nearby residential streets.

The Town Council considers that as the proposal would increase the percentage of HMOs within a 100 metre radius of the site to more than 10%, it should be refused. Whilst this concern is noted, officers consider the application to comply with the requirements of Policy H6.

### Impact on Heritage Assets and the Street Scene

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

The proposed change of use includes no external alterations and would have no impact on the street scene or Conservation Area. It is noted that internal works are proposed to this Listed Building and no application for Listed Building Consent has been submitted. An informative note reminding the applicant of the requirement to submit such an application is considered appropriate.

The proposal is therefore considered to be in accordance with Local Plan Policies HE1, and BE1.

### Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of

amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers. It is noted that there is no private amenity area provided for the future occupiers. However, this is the same arrangement for the current occupiers of the flat.

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

#### Parking & Highway Safety

The Town Council expressed concern regarding the lack of parking provision for the site. The existing parking requirement for the flat is 2 spaces and the requirement for the proposed 4 bed HMO would also be 2 spaces, in accordance with the Council's adopted Parking Standards SPD. Therefore, as there would be no net increase in the number of required car parking spaces and the proposed change of use would not generate additional demand of on-street parking, the proposal is considered to be acceptable.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

#### Other Matters

Private Sector Housing have raised no concerns from a space and facilities perspective and complies with the Council's standards. They have noted that there is a need for at least 30 minutes fire separation from the ground floor accommodation, and preferably a communal fire detection system. This will be added as an informative note.

The agent has confirmed that there is an external refuse storage area to the rear of the building.

#### **Conclusion**

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. The proposed change of use is therefore 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(s) 3855-02A, and specification contained therein, submitted on 6th January 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.
  - 3 The number of bedrooms shall not exceed 4. **REASON:** To ensure the satisfactory provision of off-street parking in accordance with the local planning authority's standards and in the interests of highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
-