

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0822](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
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Registration Date: 05/06/20

Expiry Date: 31/07/20

9 Silver Birch Grove, Leamington Spa, CV31 3QY

Change of Use from Use Class C3 (residential dwelling) to Use Class C4 (5 bed HMO) FOR Mrs Punj

This application is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

That planning permission be granted.

DETAILS OF THE DEVELOPMENT

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

The proposal has been amended from a 6 bed HMO to a 5 bed HMO on the grounds that one of the bedrooms did not meet the minimum space standards for a bedroom, which will also be secured via condition.

THE SITE AND ITS LOCATION

The application site relates to a two storey detached dwelling located on Silver Birch Grove, Leamington Spa. The site benefits from front driveway parking and side gate to provide external access to the rear garden. The site is located within an Article 4 Direction which restricts the change of use from C3 residential to C4 small HMOs without prior consent from the Local Planning Authority.

RELEVANT POLICIES

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

- Neighbourhood Plan
Royal Leamington Spa Neighbourhood Plan (2019-2029)

- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the following grounds:

- Inadequate parking provision
- Smallest bedroom does not meet the minimum size requirement

WCC Highways: No objection.

WDC Environmental Health: No objection.

WDC Private Sector Housing: Commented that the HMO would only be suitable for 5 persons because one of bedrooms is below the statutory minimum (6.51 sq. m) and the communal space undersized for 6 sharers.

WDC Waste Management: No objection.

Public response: 6 objections have been received raising the following concerns:

- Lack of parking and impact on highway safety
- Noise and disturbance from HMO's
- Impact on neighbouring amenity

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:-

- 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). Within a 100 metre radius there are 7 existing HMOs out of 97 residential units. The existing concentration level is at 7.2%, the addition of one further HMO would increase the concentration to 8.2% which is below the adopted 10% limit of HMOs within a 100 metre radius of the site.
- b). The nearest bus stop is located on St Helen's Road which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). 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.

The proposal would not result in an over concentration of HMO's in this area and so is not considered to have a harmful impact on the amenity of neighbouring properties. The proposal complies with Local Plan policy H6.

Impact on the Street Scene

The proposed change of use includes no external alterations and would have no impact on the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy 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 proposal has been amended from a 6 bed HMO to a 5 bed HMO following advice from Private Sector Housing that the smallest bedroom did not meet the minimum space standards and the communal living space was undersized for 6 occupants.

The proposed change of use includes no external alterations. The proposed HMO would provide adequate living conditions for the future occupiers. The site also benefits from a rear private amenity area for the future occupiers which is considered adequate.

A number of neighbour objections have been received raising concerns over noise and disturbance that would arise from the proposed HMO. Environmental Health have been consulted who have raised no objection on the basis that there have been a small number of historic complaints about existing HMO's in the area. The limited intensification of the site is unlikely to lead to significant additional disturbance. In addition, it is noted that the property is detached and located next to a busy main road.

As stated earlier in the report, the proposal does not breach Local Plan policy H6 which seeks to prevent unacceptable adverse impacts on the amenity of neighbouring residents, including noise and disturbance. Policy H6 addresses the impact on neighbouring amenity at a neighbourhood level and a localised level. At a neighbourhood level the proposal does not result in a concentration of HMO's over 10% within a 100m radius of the site and at a localised level the site does not result in the sandwiching of a non-HMO between two HMO's, nor would it result in a continuous frontage of three or more HMO's. Given that the proposal complies with Local Plan policy H6 and Environmental Health raise no objection to the proposal, I am satisfied the proposal would not lead to an unacceptable impact on the amenity of neighbouring residents.

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

Parking & Highway Safety

Concerns have been raised from the Town Council and local residents regarding parking. The site benefits from front driveway parking with sufficient space to accommodate 2 parking spaces. The existing property is a 5-6 bed roomed dwelling which is required to provide 3 off road parking spaces. The parking requirement for the proposed 5 bed HMO would also be 3 spaces based upon 1 space per two bedrooms as set out in the 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 to on-street parking, the proposal is considered to be acceptable. The Highways Authority have been consulted who have raised no objection to the development.

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

Other matters

The property benefits from a side gate providing external access to the rear garden. Bin and cycle storage can be accommodated in the rear garden. Waste management have raised no objection to the proposal.

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. 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 proposed floor plans, and specification contained therein, submitted on 09th July 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 in use at the property shall not exceed 5.
REASON: To ensure satisfactory living conditions for occupiers of the dwelling in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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