

**Planning Committee:** 12 March 2024

**Item Number:** 10

**Application No:** [W 23 / 1743](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Millie Flynn

**Registration Date:** 02/01/24  
**Expiry Date:** 27/02/24

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**6b Southborough Terrace, Brunswick Street, Leamington Spa, CV31 2DT**

Change of use from 3 bed flat (Use Class C3) to 3 bed House in Multiple Occupation (Use Class C4) (Retrospective Application) FOR Mr M Chima

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This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks retrospective planning permission for a change of use from a 3-bed flat (Use Class C3) to a 3 bed House in Multiple Occupation (Use Class C4).

**THE SITE AND ITS LOCATION**

The application property is a flat situated in the middle of Southborough Terrace which forms part of a wider residential unit above a row of shops fronting onto Brunswick Street, Leamington Spa. There is a service area to the rear of the shops and flats. Southborough Terrace/ Brunswick Street is considered to constitute a main thoroughfare in a mixed-use area.

**PLANNING HISTORY**

No relevant planning history.

**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
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS4 - Housing Character Outside the Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objects to the proposal as the HMO concentration is over 10%.

**WDC Waste Management:** Objects on the basis that a waste storage area has not been provided.

**Private Sector Housing:** Raise concerns regarding licensing matters.

**Public Response:** 6 objections have been received on the following grounds:

- Over-concentration of HMOs
- Increase in parking related issues.
- Increase issues surrounding waste and waste management.
- Lack of information regarding room sizes
- No private outdoor amenity space has been provided.

## **ASSESSMENT**

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

- Whether the proposal would cause or add to a harmful over-concentration of HMOs in this area.
- The impact on the living conditions of neighbouring dwellings.
- Car parking and highway safety.

### Principle of Development

It needs to be considered whether the proposal 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.

## H6 Assessment:

a). The existing property is a 3 bedroomed flat. Within a 100-metre radius there are 57 existing HMOs out of 236 residential units. The existing concentration level is at 24.15%. The addition of one further HMO would increase the concentration of HMOs to 24.50%.

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 area, comprising of residential properties, retail units and restaurants within the immediate area. The site is therefore considered to meet exception "a" as it is unlikely that the proposal would lead to increased activity along nearby residential streets.

- b). The nearest bus stop is located on Brunswick Street which is within 400 metres walking distance of the property.
- c). The proposal does not sandwich a non-HMO between 2 HMOs.
- d). It does not lead to a continuous frontage of 3 or more HMOs.
- e). The Council's Waste Management department have objected to the proposal stating that the current collection service for this property is a fortnightly refuse sack collection, fortnightly recycling collection and a weekly food collection. Officers do not consider there would be any change in such provisions if the change of use of the flat to a HMO were to be approved. However, after carrying out a site visit, Officers have noted that waste containers are stored out of sight in the service area to the rear of the flats, in compliance with Local Plan Policy H6.

In consideration of the objection from Waste Management, the proposal would retain the existing waste and recycling storage arrangements to the rear of the building. It should also be noted that in a recent appeal decision at Third Floor Flat, 28 Clarendon Square Appeal Ref: APP/T3725/W/23/3320938, the Inspector noted that *'there is no evidence to suggest that a 4-bed HMO would produce more waste or additional waste-related concerns than that of the previous 3-bed apartment'*. In the case for this application, the change of use is for a 3-bed dwelling(C3) to a 3 bed HMO (C4). Therefore, there is no increase in the number of persons and Officers consider the refuse facilities are adequate, and to refuse permission would be unreasonable as there is no demonstrable harm.

Officers also note that the change of use is retrospective, and the site visit has confirmed that there are no issues surrounding waste and its management as the application site is clean and tidy.

Town Council and public objections have been received on the basis of increase in concentration of HMOs within 100m radius of the site, which is already more than 10%. Whilst these concerns are noted, Officers consider the proposal to comply with the requirements and exceptions set out in Local Plan Policy H6.

#### Impact on the Street Scene

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Policy RLS4 of the Royal Leamington Spa Neighbourhood Plan requires development proposals to respond to the predominant character in the street/road/locality.

The development does not include any external alterations and therefore does not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1 and Neighbourhood Plan Policy RLS4.

#### 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.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have a material impact on neighbouring residential amenity.

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. It should also be noted that the application is within a town centre location and there is access to local parks.

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

#### Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Objections have been received with concerns regarding the impact the proposal will have on parking.

In accordance with the Council's Parking Standards SPD, the existing parking requirement for a 3-bedroom dwelling is 2 spaces and the requirement for the proposed 3 bed HMO is 2 spaces. The proposed change of use would therefore not result in an increase in the requirement for parking compared to the existing lawful use as a 3-bedroom dwelling.

Therefore, the proposal complies with Local Plan Policy TR3 of the Local Plan and the associated SPD.

#### Other Matters

An objection has been received regarding the lack of information about room sizes. Private Sector Housing have raised concerns regarding room sizes, means of escape and waste. However, Officers note that such matters are covered under licensing and are not relevant to the consideration of this planning application.

A site visit also confirmed that there is an area to the rear in which bins can be adequately stored.

### **CONCLUSION**

The 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 change of use is therefore recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2314/1/A, and specification contained therein, submitted on 28th December 2023. **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.

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