

Planning Committee: 19 June 2018

Item Number: **17**

Application No: [W/18/0854](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 02/05/18

Expiry Date: 27/06/18

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17 Cobden Avenue, Leamington Spa, CV31 1YF

Change of use from single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) FOR Mr Tura

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to change the use of the existing single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4).

THE SITE AND ITS LOCATION

The application property is one half of a pair of semi-detached dwellings located on the north side of Cobden Avenue. The property has an integral garage located to the western side. The property has a vehicular access and parking to the front.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Town Council: Objection.

The Town Council has concerns that although the proposed HMO has the requisite number of parking spaces required, increased on-street parking will occur on Cobden Avenue as a result of the increased occupancy of this property. This street has a large amount of on street parking occurring now and the concerns are that this HMO will exacerbate this situation and will result in inappropriate parking on verges and increased difficulties for pedestrians.

Public Response

5 letters of objection have been received. The objections centre around:-

- Parking and highway safety;
- noise nuisance;
- state of disrepair of property
- fire escape methods are not adequate.

ASSESSMENT

The main issues relevant to the consideration of this application to change the use from a house (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 unrelated persons (Use Class C4) are:

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

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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 it and another HMO;
- d) the proposal does not lead to a continuous frontage of 3 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 is only 1 other HMO out of 126 residential units. The existing concentration level is at 0.007%. The addition of one HMO would not breach the 10% limit of HMOs within a 100 metre radius (0.016%).
- b) The nearest bus stops are located on Chesterton Drive which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) The proposal will not result in a continuous frontage of HMO's
- e) The property does not have a rear access way which means the bins cannot be stored in the rear garden and moved to the pavement on collection day. However, the property does have a garage, which, due to the size, cannot reasonably accommodate a car. The bins are shown to be stored within the garage which means they will not be visible from public vantage points. This can be secured by a suitably worded condition.

The objections received are noted. However, the proposal is considered to comply with all the criteria contained within Policy H6 of the Local Plan and will not lead to an over concentration of HMOs within the area which would cause demonstrable harm to the more settled residents of the area through increased noise and anti social behaviour.

The impact on the amenity of the area and living conditions of local residents.

Policy BE3 of the Local Plan states development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The background work to Policy H6 demonstrated that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in night time noise and disturbance. The existing area has a very low concentration of HMOs and therefore one additional HMO will not result in material harm to local residents.

Parking and Highway Safety

The existing house requires 2 off road car parking spaces, and the proposed HMO requires 2no. off road car parking spaces. Therefore, there is no net increase in parking requirement and the proposal complies with Policy TR3 of the Local Plan and the associated SPD.

Private Sector Housing

Private Sector Housing have no objections as long as the rooms can achieve a minimum of 6.5sqm. This is shown to be achieved on the proposed drawings.

Conclusion

The principle of a change of use to a small HMO (Use Class C4) is considered acceptable as it complies fully with Policy H6 of the Warwick District Local Plan 2011-2029. The comments regarding parking are noted, however, the existing house requires 2 off road parking spaces and the proposed use requires 2 off road parking spaces. Therefore, there is no net increase in the parking provision required. The application, accords with Policy TR3 & H6 of the Local Plan and the Vehicle Parking Standards SPG.

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 submitted on 2nd May 2018 and plan layout submitted on 10th May 2018 and specification contained therein. **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 All waste bins associated with the property shall be stored within the garage at all times with the exception of collection day. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 & H6 of the Warwick District Local Plan 2011-2029.
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