

Planning Committee: 08 November 2022

Item Number: 9

Application No: [W 22 / 0928](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
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Registration Date: 30/05/22
Expiry Date: 25/07/22

Third Floor Flat, 28 Clarendon Square, Leamington Spa, CV32 5QX
Change of use from a 3-bed flat (Use Class C3) to a 4 bed House in Multiple Occupation (HMO) (Use Class C4) (retrospective application) FOR Mr Ramsey

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 conditions 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 residential flat (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4).

The proposal as originally submitted was for a 5-bedroom HMO, however the scheme has been subsequently amended and reduced to a 4 bedroom HMO.

THE SITE AND ITS LOCATION

The application site relates to an existing upper floor residential flat which extends over the second, third and fourth floors. The site is located on Clarendon Square, Leamington Spa, within the Royal Leamington Spa town centre.

PLANNING HISTORY

W/18/0191 - Resubmission of W/17/2106: Retrospective change of use from C3 to C4 Property (small HMO for 5 people) - Withdrawn

W/17/2106 - Retrospective change of use from C3 to C4 Property (small HMO for 5 people) - Withdrawn

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)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object due to lack of communal living space, contravenes Policy H6 as it would lead to a continuous frontage of HMOs, require comments from Highways and lack of cycle storage.

Councillor Geraldine Cullinan: Objects as development would lead to a continuous frontage of HMOs, would add to existing intensification of students in the area, concerns over waste management and lack of communal space.

WDC Private Sector Housing: Raised concerns over lack of communal living space.

Public Response: 20 objections received on the following grounds:

- Lack of communal living space
- Increase in parking demand as a result of the development
- Would lead to a continuous frontage of HMOs
- Additional HMO in the area would add to existing noise issues and anti-social behaviour
- Would add to the existing high levels of students in the area

Assessment

Principle of Development

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

Local Plan Policy H6 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 13 existing HMOs out of 198 residential units. The existing concentration level is at 6.6%. The addition of one further HMO would increase the concentration of HMOs to 7.1% which is below the 10% limit of HMOs within a 100-metre radius.
- b). The nearest bus stop is located on Binswood Street 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.

It is noted that the adjacent buildings at 25-27 Clarendon Square have been converted to a number of flats of which some are occupied as HMOs. 25 Clarendon Square benefits from 1 HMO to the ground floor flat, 26 Clarendon Square benefits from a HMO to the ground floor flat and 27 Clarendon Square also benefits from a HMO to the ground floor flat. Therefore, whilst the development would introduce a HMO to No.28 Clarendon Square, this HMO is located to the third and fourth floors and so would not create a sandwiching impact to the adjoining third and fourth floor flats to either property at No. 27 or No.29 Clarendon Square. Furthermore, as the adjacent HMOs are contained at ground floor, the proposed HMO to the third and first floors would not lead a continuous frontage of 3 or more HMOs.

Officers note and understand the concerns of local residents regarding an additional HMO adjacent to other existing HMOs. However, Officers also consider that given the adjacent buildings are converted to a number of flats which are accessed internally, residents would be subject to various external and internal movements associated with the various residents occupying the flats in any case. Therefore, movements associated with individuals occupying a HMO would not experience in the same way as a typical dwelling.

On the basis of the above, the development meets the requirements of Local Plan Policy H6 and is therefore considered acceptable.

Impact on the Street Scene

The development does not include any external alterations and so would 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.

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, all rooms benefit from outlook and light.

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

Parking & Highway Safety

The existing parking requirement for the 3-bedroom flat is 2 spaces and the requirement for the proposed 4 bed HMO would also be 2 spaces, according to the Council's adopted Parking Standards SPD. The parking for the site is on-street and the occupants of the existing flat would be eligible for parking permits. As the development would result in 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.

Given that the proposed change of use was originally proposed for 5 bedrooms which would lead to additional parking demand on street, Officers consider it necessary to include a planning condition restricting the number of bedrooms to 4 to avoid the use of the site intensifying without an assessment of parking impact being made.

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

Other Matters

Private Sector Housing raised concerns over the lack of communal space for occupants of the HMO. As a result, the scheme has been amended and one of the bedrooms is now shown as communal living space. As mentioned above, a condition has been proposed to limit the number of bedrooms to 4 to avoid an increase in demand for parking and to secure adequate levels of amenity.

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 by reason of an unacceptable concentration of HMOs. 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 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

30th September 2022. **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.

- 2 The total number of bedrooms shall not exceed 4. **REASON:** To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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