

**Planning Committee:** 16 June 2020

**Item Number: 4**

**Application No:** [W 20 / 0210](#)

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

**Registration Date:** 07/02/20  
**Expiry Date:** 03/04/20

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**16 Princes Drive, Edmondscote, Leamington Spa, CV32 6AF**

Change of use from dwelling (use class C3) to a 4 bed HMO (use class C4)  
(retrospective application). FOR Mr. Rajesh Punj

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This application is being presented to committee as the proposal does not comply with Local Plan policy H6 and officers are recommending approval.

**RECOMMENDATION**

Committee are recommended to grant planning permission subject to the conditions listed.

**DETAILS OF THE DEVELOPMENT**

The application seeks retrospective permission for a change of use from a single dwelling (use class C3) to a 4 bedroomed House in Multiple Occupation (HMO) (use class C4). The application as originally submitted sought permission for a 5 bedroomed HMO, this has since been amended to 4 bedrooms following concerns from officers regarding living conditions for future occupiers and parking.

The HMO calculation has been amended to include additional HMO's within Warwickshire College that were not previously identified.

**THE SITE AND ITS LOCATION**

The application site is a two storey, semi-detached residential dwelling located to the northern end of Princes Drive, Leamington Spa. The site benefits from driveway parking that is accessed off Princes Drive.

There is an Article 4 Direction which covers the whole of Leamington Spa which prohibits changes of use of residential dwellings (C3) to small Houses in Multiple Occupation (HMO) (C4) without obtaining planning permission. The Article 4 Direction was put in place and Policy H6 was adopted on the basis of evidence which demonstrates that the concentration levels of HMO's within an area contribute to adverse impacts including noise and disturbance, social cohesion and litter.

**PLANNING HISTORY**

None.

## **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)

### Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WCC Highways:** No objection.

**WDC Waste Management:** No objection.

**WDC Private Sector Housing:** No objection.

**Public response:** 38 letters of objection have been received raising the following concerns:

- the proposal does not comply with Local Plan policy H6;
- there will be a negative impact on the immediate and wider area;
- the potential for a precedent to be set for other HMO's in the wider area; the accuracy of the HMO calculation.

## **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 24 existing HMOs out of 75 residential units. The existing concentration level is at 32%. The addition of one further HMO would increase the breach of the 10% limit of HMOs within a 100 metre radius to 33%.
- b). The nearest bus stop is located along Princes 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). 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.

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) and where the application site is located on a campus. The proposal does not meet these exceptions.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The high concentration of HMO's within a 100 metre radius of this site are as a result of the student halls contained within Warwickshire College which is located approximately 60m from the residential properties along Princes Drive.

There is a clear physical barrier of a railway embankment and railway line separating Princes Drive and Warwickshire College. Policy H6 seeks to restrict the over concentration of HMOs in residential areas as they could be harmful to the neighbouring resident's amenity in terms of noise, anti-social behaviour etc. Officers consider that in this particular case, the physical barrier between Princes Drive and the college campus would mitigate the impacts commonly associated with HMO's to Princes Drive and the surrounding estate. Whilst the number of HMO's in the college campus are greater than initially identified, the physical barrier between the campus and the application site is considered sufficient so as not to compromise the amenity of residential properties along Princes Drive and the adjoining streets. As such, the existing HMO's within the campus have been afforded reduced weight.

It is considered that the activity associated with the student halls would be experienced more along Warwick New Road rather than Princes Drive and the

surrounding estate. Officers have taken into consideration that the student halls are within walking distance of the town centre and would anticipate activity and footfall to be directed in an easterly direction towards the town centre rather than westerly towards the application site that is in a predominantly residential area. Warwick New Road is a main thoroughfare and experiences high levels of pedestrian foot fall and vehicular traffic, therefore it is considered that an additional HMO on the Princes Drive estate would not lead to a detrimental impact to the properties located along Warwick New Road. Officers also note that Warwickshire College is included as part of an exemption under Policy H6 and so additional HMO's may be permitted on the campus which would increase activity and footfall along Warwick New Road.

Officers have therefore assessed the impact of the proposed HMO on the residential areas surrounding the application site that would be most impacted by the development being Princes Drive and its adjoining streets. The proposal would result in one HMO within the residential area surrounding the application site. Officers are satisfied that the proposal for one HMO within this residential area would not lead to an over concentration of HMOs at the localised level nor would it present a harmful impact to the amenity of the neighbouring properties in terms of noise, anti-social behaviour and other associated issues arising from a high concentration of HMOs in a particular area. It is noted that additional HMO's lie outside of the 100m radius. The ratio of residential properties to HMO's within the 100m radius of the site excluding the Warwickshire College site would be 2%.

Whilst the proposal does not comply with Local Plan policy H6, officers consider that the location of the existing HMOs within 100m radius of the site are a material planning consideration in the determination of the application. The existing HMOs are student halls contained within the campus of Warwickshire College and are situated approximately 60m from the residential area of Princes Drive that the application sits within. Officers also anticipate that the activity and footfall associated with student halls would be directed towards Leamington Spa town centre and so away from the residential properties along Princes Drive. On balance, officers consider the proposal to be acceptable in policy terms.

Objections from local residents have been received on the basis that the proposal would increase the percentage of HMOs within a 100 metre radius of the site to more than 10%, and therefore that it should be refused. Whilst this concern is noted, officers consider in this particular case the proposal to be acceptable due to the physical barrier between the existing HMOs within the college campus and the residential properties along Princes Drive and surrounding streets.

#### 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 proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers to ensure all habitable rooms benefit from appropriate levels of light and outlook. As amended, the HMO would provide appropriate living conditions for the future occupiers.

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

#### Parking & Highway Safety

The proposal as originally submitted was for a 5 bedroomed HMO which would be required to provide 3 off road parking spaces. The proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers as the front driveway parking is not of a sufficient size to accommodate 3 off road parking spaces. The existing parking requirement for a 3 bedroomed dwelling 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. The Highways Officer has raised no objection.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan and the adopted Parking Standards SPD.

#### Other Matters

Private Sector Housing have raised no concerns from a space and facilities perspective such that the proposal complies with the Council's standards in that respect.

The plans show side access to the rear garden where refuse bins can be stored, Waste Management have raised no objection.

#### **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 be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2001-3A, and specification contained therein, submitted on 09th April 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.

- 2 The 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 standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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