

Planning Committee: 30 January 2018

Item Number: **12**

Application No: [W 17 / 2253](#)

Town/Parish Council: Leamington Spa
Case Officer: John Wilbraham

Registration Date: 06/12/17

Expiry Date: 31/01/18

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Change of use from dwellinghouse (Use Class C3) to a 5 bed House in Multiple Occupation (Use Class C4) FOR Mr S Sandha

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The proposed development is for the change of use of the existing 5 bed dwelling house to a 5 bed house in multiple occupation (HMO). There are no external alterations proposed to the property.

THE SITE AND ITS LOCATION

The application site is a modern three storey semi detached dwellinghouse situated within an existing modern residential estate accessed via a private shared driveway which is utilised by 3 dwellings. The character of the area is a mix of semi-detached and detached dwellings with small front gardens and parking.

PLANNING HISTORY

No previous planning history

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: The Town Council wishes to raise an objection to this application on the ground that the parking spaces proposed to be provided for this development on site is less than the minimum standard recommended by the District Council's Vehicle Parking Standards for HMO's. On street parking cannot be guaranteed and is already challenging on this street.

Councillor Barrott: Objection.

WCC Highways: No objection as there would only be an increase in parking requirement of 1 space (verbal response in surgery 10/1/18)

Private Sector Housing: This proposal will create a licensable HMO if it accommodates 5 persons. Unfortunately, the room dimensions are not clearly printed, and I cannot confirm if Bedroom 4 is at least 6.5m². If not, the HMO could still accommodate 4 persons. Fire precautions are not specified. The HMO would require full fire precautions in accordance with LACORS guidance.

Public Response: 13 letters of objection have been received on the following planning grounds:

- Lack of parking provision and issues of parking on the road
- Impact on the amenity of neighbouring properties and surrounding area
- Out of keeping with general character of the area
- Concerns it would be student accommodation

ASSESSMENT

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation 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 HMO's;
- 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.

Having undertaken the relevant calculation it is confirmed that the proportion of dwelling units in multiple occupation within a 100m radius of the application site is 1.4%. The proposed development would increase this to 2.1%. The property is

located within 400 metres of two bus stops, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

The property has a private rear amenity area which is where the bins would be located. The bins could then be brought through the garage and out to the street for collection. The property is already serviced with a grey bin and alternative week collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and Policy H6.

Living conditions of occupiers

Private Sector Housing have been consulted and are satisfied with the proposal, following the submission of an amended plan, including the internal arrangements. All of the room sizes have been confirmed as exceeding the Council's minimum requirement of 6.5sqm.

The development is therefore considered to provide adequate living conditions for the future occupiers of the additional bedroom in accordance with adopted Local Plan Policy BE3.

Impact on character of the area

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There have been thirteen public objections and an objection from the Town Council and Ward Member regarding the proposed change of use. The objections are focused mainly on the parking provision and the impact of the HMO to the amenity of neighbouring properties and the surrounding area. There are no changes proposed externally to the building however the objection letters refer to the transient nature of the residents. The Council has no evidence to suggest that the change of use would lead to an increase in anti-social behaviour or in a more frequent changeover of residents. If this were to happen then other bodies outside of planning would be better placed to tackle the issue.

The proposal is therefore considered to accord with Policy BE3.

Car Parking and Highway Safety

Policy TR3 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property would have required 2 spaces be provided whereas the proposed use requires 3. The applicant has shown two off street car parking spaces in front of the application property with the third space being provided on the street which is unrestricted parking. There has been concern shown from the

objectors that there is insufficient parking provided by the development and that on street parking can sometimes be difficult. Highways were consulted on the scheme and given the proposed change of use only amounts to the need for one additional space, have raised no objection nor requested a parking survey be carried.

It is therefore concluded that the proposed development would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and that the development accords with adopted Local Plan Policy TR3.

CONCLUSION

The proposed change of use to a HMO within this area adheres to the criteria set out within Local Plan Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

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 drawings 'site plan' and 'floor plan' and the specification contained therein, submitted on 4th December 2017 and the 15th January 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.