

Planning Committee: 18 April 2024

Item Number: 6

Application No: [W 24 / 0044](#)

Town/Parish Council: Leamington Spa
Case Officer: Jack Lynch

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Registration Date: 29/01/24

Expiry Date: 25/03/24

Flat 3, 62 Bath Street, Leamington Spa, CV31 3AE

Change of use from a 3 bedroom dwelling (C3) to a 3 bedroom HMO (C4)
[Retrospective] FOR JRG Properties

This application is being presented to Planning Committee due to 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 on the second and third floor of 62 Bath Street. Bath Street is a mixed use area, comprising of residential properties, retail units and restaurants within the immediate area. Bath Street is a Class B road.

The application site is a Grade II listed Building, located in the Leamington Spa Conservation Area and the Leamington Spa Town Centre Boundary.

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
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection. Supports objection from Waste Management. Would like to see the installation of air infiltration system.

WDC Conservation: No objection.

WDC Waste Management: Objection. Concerned about the existing waste arrangement for the site. Notes that there is an issue regarding fly tipping on days preceding refuse collection.

Private Sector Housing: No objection.

WDC Environmental Health: No objection, subject to Waste Management being satisfied.

Public Response: Two objections have been received, raising the following concerns:

- concentration of HMOs far exceeds the 10% limit in H6;
- the main thoroughfare exception does not apply because the proposal would lead to an increase in activity along nearby residential streets;
- insufficient provision for waste storage;
- harmful air quality impacts for occupants;
- harmful noise impacts for occupants from road and railway noise and licensed premises; and
- no cycle storage.

ASSESSMENT

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

- Local Plan Policy H6 and whether the proposals would cause or add to a harmful overconcentration of HMOs;
- impact on the character of the Listed Building, the Conservation Area and wider streetscene;
- impact on neighbouring properties; and
- parking & highway safety.

Concentration of HMOs

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.
- 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 237 residential units. The existing concentration level is at 24%. 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. Bath Street is a mixed use area, comprising of residential properties, retail units and restaurants within the immediate area. Bath Street is also a Class B road. The site is therefore considered to meet the above exception to H6(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 Bath Street which is within 400 metres walking distance of the property.
- c) The proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs.
- d) It does not lead to a continuous frontage of 3 or more HMOs.
- e) Officers do not consider there would be any change in waste provisions if the change of use of the flat to a HMO were to be approved. Waste is stored out of sight in the flat until collection day, when the waste is moved to the frontage.

An objection has been received from Waste Management and subsequently an objection has been received from the Town Council. Concerns are raised about existing issues with domestic refuse being fly-tipped on the street before collection day. However, it should be noted that in a recent appeal decision at Third Floor Flat, 28 Clarendon Square Appeal Ref: APP/T3725/W/23/3320938, the Inspector raised no concerns over the refuse arrangement, which is similar to this application site in that refuse is kept in bags and brought to the front of the site on collection day. In their report they highlighted, "In regard to waste, at the time of my visit, it appeared that all properties within the terrace leave rubbish bags within the street for collection and do not have waste bins. Also, I have no evidence to suggest that the proposed 4-bed HMO would produce more waste or additional waste-related concerns than that of the previous 3-bed apartment". This case also saw the introduction of an additional bedroom, whereas the current proposal (W/23/0044), introduces no additional bedrooms.

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 character of the Listed Building, the Conservation Area and wider streetscene

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The provisions of the Framework are repeated in the Local Plan, which at Policy HE1, sets out the expectation for development proposals to have appropriate regard to the significance of designated heritage assets. Permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Warwick District Local Plan Policy HE2 expects development proposals to have appropriate regard to the character and setting of conservation areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Policy RLS3 of the Neighbourhood Plan relates to development affecting the conservation area and listed buildings and seeks to ensure that proposals respect their significance.

The development does not include any external alterations and therefore does not have any impact on the character of the street scene, Listed Building or Conservation Area

The proposal is therefore considered to be in accordance with the aforementioned policies.

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. Similarly whilst objectors have raised concerns in relation to air quality and noise, these impacts would be the same as for the existing 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.

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.

Objectors have raised concerns about the absence of cycle parking provision. As with car parking, there would be no change in this requirement compared with the existing dwelling.

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

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 approved site location plan, block plan (submitted on the 29th January 2024), and drawing number 23/038/P01 submitted on the 15th January 2024, 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.

- 2 The total number of bedrooms shall not exceed 3. REASON: To ensure satisfactory amenity 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 highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
