

Planning Committee: 28 March 2017

Item Number: 11

Application No: [W/17/0291](#)

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

Registration Date: 01/03/17

Expiry Date: 26/04/17

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

This application is being presented to Committee due to the number of objections having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

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

PLANNING HISTORY

W/04/1253 - Erection of a first floor rear extension, granted 27th August 2004.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Private Sector Housing: No objection.

Waste Management: No objection

Public Response: 12 letters of objection have been received on grounds that there are enough HMOs in the area, noise and disturbance, parking, the loss of a family home and erosion of the character of the area.

Assessment

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

- whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- renewable energy requirement.

Issue 1: Whether the proposals would cause a harmful over-concentration of student accommodation 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.

Adopted Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Emerging Policy H6 (to which significant weight has been attached by Inspectors in recent appeal cases) is consistent with several core principles of the NPPF; planning should be plan-led, empowering local people; seek to ensure a good standard of amenity for all; taking into account the different roles and character of different areas. On this basis, Policy H6 attracts significant weight in the determination of this application.

Policy H6 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.

H6 Assessment

- a) There are 10 HMOs within a 100 metre radius of the application site.

The existing HMOs are located at:-

- 116 Bury Road
- 3, 18, 32 & 34 Lee Road
- 11, 13, 16, 18, Swadling Street.

The existing concentration of HMOs as a percentage of the total residential properties within 100 metre radius of the application site is 8%. If the proposed HMO is approved it would increase to a 9% concentration. The proposal therefore does not exceed a 10% concentration within a 100 metre radius.

- b) The nearest bus stops are located on at the Railway Station in Flavel Crescent and on Queensway, which are all within a 400 metre walking distance (not how the crow flies) from the application site.

- 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) while bin storage is not specifically shown on any of the drawings, the application property is a semi detached dwelling which has side access to the rear garden. It is considered that the bin storage element would reasonably be located to the side/ rear of the property.

While the objections received from local residents are noted, the proposed HMO accords with the HMO Policy and it is concluded that the proposal would not lead to an over-concentration of HMOs within the locality.

Issue 2: The impact on the amenity of the area and living conditions of local residents.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2014 state that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. It has been highlighted above, 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 property is located within a residential street where the existing HMO situation is at 8%. The proposed HMO will add 1 additional HMO to the area, however, an increase by 1% will not lead to an over concentration of HMOs and therefore will not have a material increase in levels of disturbance to the neighbouring properties.

Issue 3 Car parking and highway safety

Policy DP8 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.

Table 2 of the SPD requires HMOs to provide one car parking space per two bedrooms. However, a 3+ bedroomed house also requires 2 car parking spaces. The floor plans submitted show 4 bedrooms, which means that the proposal requires 2 car parking spaces. As the existing use only requires 2 car parking spaces there is no net increase in the requirement for car parking. On this basis, it is considered that the proposal will not cause detrimental harm to the free flow of traffic and highway safety or amenity.

Renewables

It is considered that the change of use from one type of residential use to another type of residential use will not result in a material increase in the energy requirements of the building and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Summary/Conclusion

The addition of a HMO within this area will not lead to an unacceptable concentration of HMOs and therefore is considered acceptable in accordance with Policy H6 of the Draft Local Plan.

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 drawing 17397 - 01 Rev A and specification contained therein, submitted on 17th February 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.