

Planning Committee: 10 January 2017

Item Number: 5

Application No: [W/16/0835](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 24/11/16
Expiry Date: 19/01/17

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Change of use from a dwellinghouse (Use Class C3) to a three bedroom House in Multiple Occupation (Use Class C4). (Retrospective Application). FOR Tara & Co.

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to regularise a change of use from a two bedrooomed apartment (Use Class C3) to a three bedrooomed HMO (Use Class C4).

THE SITE AND ITS LOCATION

The application relates to a two bedroom flat which forms part of a converted Grade II listed former hotel. The site is positioned to the north of Clarendon Avenue and east of Kenilworth Road, on a corner plot to the north of the Town Centre. The application site is also located within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (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)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection withdrawn.

Private Sector Housing: No objection in principle, minimum bedroom size needs to be 6.5sqm.

Waste Management: No objection, adequate waste storage is provided.

WCC Highways: No objection.

Public Response: 5 objections have been received on the following grounds:

- The surrounding area already has an over saturation of HMO properties, which exceeds 10% limit;
- There will be an increase in antisocial behaviour
- The development will increase footfall;
- The development will exacerbate parking issues;
- The property is not suitable for conversion;
- Noise disturbance;
- Littering.

ASSESSMENT

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

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

- Living conditions of the occupiers
- Car parking and highway safety
- Impact on Heritage Assets
- Sustainability
- Health and Wellbeing

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

There have been objections from members of the public which include the following concerns: the surrounding area already has an over saturation of HMO properties, which exceeds the 10% limit; the HMO will cause noise disturbance; potential for increased littering; there will be an increase in antisocial behaviour and the development will increase footfall.

The site is located within a Primarily Residential Area as identified on the proposal map of the adopted local plan and forms part of a block of flats, therefore a HMO in this particular location is generally acceptable.

Emerging Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, 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.

Exceptions to a) may be made where the application site is located on a main thorough fare 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). In recent appeal decisions, Inspectors have given this policy weight.

The percentage of HMOs within a 100 metre radius of the application site is currently 16%. However, the site is located on a main thorough fare in a mixed use area (the property is located primarily next to residential accommodation, however, the site is also located within 70 metres of the Parade which benefits from a wide mixture of uses, such as retail, restaurant and cafe and professional services). It is highly unlikely that there would be an increase in activity along nearby residential streets in terms of pedestrian movements or car activity as all local amenities are located south of the site towards the town centre, which is accessed along main roads. Therefore, the development is considered to meet the exceptions to point 'a' of emerging Local Plan Policy H6.

The property also meets the other requirements of the policy in that it is located within 400 metres of a bus stop, 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. Waste Management have been consulted and consider that there is adequate waste storage provided on site and have no objection to the proposed change of use.

Whilst the comments by members of the public are acknowledged, as the proposed development conforms to emerging Local Plan policy H6 and it is considered that there is no material planning reason to refuse the development in principle.

Living conditions of occupiers

Private Sector Housing originally commented that the 3rd bedroom, shown on the original drawing was too small and would not satisfy the HMO regulations. The drawing has been amended and the layout now shows that the 3rd bedroom will have access to the study to provide the additional space which the Private Housing Sector requires. Comments in relation to the licensing matters are not a material planning consideration and cannot be assessed as part of the application.

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.

There have been objections from members of the public that the change of use will result in parking issues within the existing off street car park which serves the apartment block.

The original two bedroomed apartment required 1.5 spaces, however, there are no off street car parking spaces provided for the existing property. The Council's Vehicle Parking Standards requires 1.5 spaces for a three bedroomed HMO and therefore there would be no net increase in the requirement of spaces. It is also noted that WCC Highways have no objection to the proposal. It is considered that there would be no harm caused to vehicular or pedestrian safety as a result of the change of use.

Impact on Landscape and Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act 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.

Paragraph 132 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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

There have been objections from members of the public that the property is not suitable for conversion. However, no internal or external changes which require planning permission have been carried out to the property to facilitate the change of use, therefore it is considered that there would be no material harm to the listed building or Conservation Area as a result.

Sustainability

It is considered that the change of use from one type of residential use to another type of residential use will not have any additional demand on energy requirements and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Health and Wellbeing

The development provides much needed accommodation.

CONCLUSION

The proposed addition of a HMO within this area adheres to the criteria set out within the Draft Local Plan 2011 - 2029 and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and there would be no increased need for off street parking. Adequate waste storage has been provided and therefore the application should be granted.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended "floor plan", and specification contained therein, submitted on 20th December 2016. **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.