

Planning Committee: 27 March 2018

Item Number: **12**

Application No: [W 18 / 0066](#)

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

Registration Date: 12/01/18
Expiry Date: 09/03/18

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Change of use from a dwelling (Class C3) to a no. 4 bed HMO (Class C4) FOR Mr Franchi

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

RECOMMENDATION

That planning permission be granted subject to conditions

DETAILS OF THE DEVELOPMENT

The application is seeking permission for the change of use from a dwelling (Class C3) to a 4 bed HMO (Class C4) as the property is within an area covered by an Article 4 Direction.

THE SITE AND ITS LOCATION

The site is a corner property located at the intersection of Rugby Road and Highfield Terrace within a Conservation Area. The building is a three storey property with two storey rear addition. The front elevation contains a double height bay window and there is contrasting brick detailing along the headers and cills on this and the side elevations. At the rear is a parking area and detached two bay garage. The building is presently sub-divided with the ground floor being a self-contained flat and the remaining floors being a two bed duplex.

PLANNING HISTORY

Application number	Description of development	Decision
W/04/0991	Alterations to vehicular access and replacement flat roof over garage	Granted 19/7/04

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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objections subject to the provision of off street parking

WCC Highways: No objection

WDC Private Sector Housing: No objection

WDC Waste Management: No objections

Public Responses:

6 letters of objection on the following planning grounds:

Lack of parking

Highway safety issues

Concern about the number of rooms proposed

Impact on amenity of neighbours

ASSESSMENT

Principle of development

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 I can confirm that the proportion of dwelling units in multiple occupation within a 100m radius of the site is 1.05%. The proposed development would increase this to 2.1%. The property is located within 400 metres of five 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 rear amenity/parking area which is where the bins would be located and then easily placed on the roadside for collection. The property is already serviced with a grey bin and alternative weekly 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, 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 HMO in accordance with adopted Local Plan Policy BE3.

Impact on character of the Conservation Area and wider streetscene

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

Warwick District Local Plan Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. 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 of the Local Plan 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 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 are no external changes proposed to the building, such that it is not considered that there is any material impact on the character of the Conservation Area or the wider street scene.

The proposal is therefore considered to accord with Policies HE1 and HE2.

Amenity of the Occupants of Nearby Buildings

There have been six public objections received which are focused mainly on the parking provision and to a lesser degree the impact of the HMO to the amenity of neighbouring properties and the surrounding area. From an amenity perspective there is currently no known issue of any anti-social behaviour in the area and it is not considered that the proposal is likely to introduce any such behaviour to an extent to which objection could be raised.

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 requires 1.5 spaces whilst the ground floor flat requires 1 space giving a total of 2.5 spaces. There are two off-street spaces currently at the site whilst both the flat and duplex have a garage each. The proposed HMO would require 2 spaces which means the total car parking requirement is 3, an increase of 0.5 above the current provision. This is a minimal increase and there is considered to be sufficient provision within the site to accommodate this.

A number of objections were received in relation to parking and highway safety concerns by local residents. The Warwickshire County Council Highways team have been consulted on the proposals and raised no objection from a parking or highway safety perspective. Based on this I am satisfied that the proposal will not cause an unacceptable level of harm in terms of highway safety.

Given that the parking provision does not materially alter under this proposal, I consider it is reasonable to attach a condition that limits the HMO to only no. 4 bedrooms as are shown on the plans. This would ensure that should the applicant want to provide additional rooms in the future which would necessitate additional parking spaces being provided, a detailed consideration could be undertaken to this provision and its layout. Subject to this condition I have 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.

Waste Management

There is existing bin storage provided under the external access to the first floor adjacent to the parking area. The current waste provision is considered to be adequate for a HMO of this size and the collections will continue on an alternate weekly basis.

Ecological Impact

The County Ecologist has confirmed that as there are no changes proposed to the building's roof either internally or externally they have no objections to the proposal.

CONCLUSION

The proposed change of use to a HMO within this area adheres to the criteria set out within the Local Plan and more specifically Policy H6. There would be no additional 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.

- 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(s) 'basement floor plan', 'ground floor plan', 'first floor plan', 'second floor plan' and block plan, and specification contained therein, submitted on 12th January 2018 and 28th February 2018. **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.
- 3 The permission hereby approved grants the use of the building as a no. 4 bed HMO only. **REASON:** Sufficient parking provision is provided for a HMO of this size in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029. Any additional rooms will require further consideration of the parking arrangements.
