

Planning Committee: 21 June 2022

Item Number: 9

Application No: [W 22 / 0313](#)

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

Registration Date: 18/02/22

Expiry Date: 15/04/22

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Change of use from dwelling house (Use Class C3) to a small House in Multiple Occupation (Use Class C4) comprising 4no. bedrooms (max) FOR Mr H Singh

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

RECOMMENDATION

That planning permission be **granted** subject to the conditions recommended.

DETAILS OF THE DEVELOPMENT

Proposed change of use from a C3 dwellinghouse to a C4 HMO comprising 4 bedrooms.

The applicant has submitted amended plans to propose that the front wall at the front boundary of the site be removed in part and for the number of bedrooms to be reduced from 5 to 4 in total.

THE SITE AND ITS LOCATION

The application site is a two storey semi-detached property located in a predominantly residential context. The streetscene comprises semi-detached properties of similar design and scale.

PLANNING HISTORY

Planning history reveals that the property has been extended but this is not considered relevant the assessment of this application.

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
- TR1 - Access and Choice
- TR3 - Parking
- [Guidance Documents](#)

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

WDC Waste Management: No objection.

WCC Highways: Objection on the grounds of insufficient information. Requested the applicant to revise the scheme to reduce the occupancy or provide a justification as to why the Parking SPD cannot be complied with. Advised that if the development should generate demand for on-street parking, a survey should be submitted to indicate spare capacity.

WDC Private Sector Housing: Raised no objection and has provided a breakdown of the facilities required by the Council in order to meet their standards. Considers that there is sufficient storage space for refuse and recycling.

WDC Health and Community Protection: No objection.

Cllr Russell: Objects - considers the site an inappropriate location for a HMO due to parking stress and the site's proximity to a T-junction. A 5 bed HMO would not deliver adequate amenity for neighbours and future occupiers; concerns related to overcrowding and noise.

Leamington Spa Town Council: Objection on the grounds that insufficient parking is provided and inadequate living conditions.

Public response:

24 Objections from 21 addresses:

- insufficient parking
- the driveway is not wide enough for multiple cars
- highway safety concerns
- adverse impacts on neighbour amenity (displacement, noise and disturbance)
- inadequate living conditions for future occupiers
- inappropriate location for a HMO as the area is occupied by families
- concerns over refuse storage and waste management
- concerns over potential disturbance to protected species
- negative impact on the rural landscape
- the bus stop on Melton Road is closed
- electrical noise - the ability to receive radio reception will be hampered
- the bike racks are poorly designed and unlikely to be used

ASSESSMENT

Principle of Development

Whether the proposals 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; 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.

Assessment:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- a) Within a 100 metre radius there are no other existing HMOs out of 96 residential units. The existing concentration level is at 0%.
- b) The nearest bus stops are located along Lime Avenue close to the junction with Melton Road and Officers are satisfied that they are located within 400 metres walking distance of the property (the closest is 326m).
- c) The existing property does not sandwich a non-HMO between HMOs.
- d) It does not lead to a continuous frontage of HMOs.
- e) The block plans indicate that the bins will be stored at the front of the site behind the retained section of the front wall. This would mean that the containers would be stored in an area visible by the general public. This storage arrangement does not strictly comply with e) of Policy H6 and objections have been received in relation to this. However, bin storage to the front of dwellings is a characteristic feature of this streetscene, and this is the current arrangement at the application site. There is no alternative due to there being no rear access. In considering the suitability of this arrangement in the circumstances of this particular development, it is noted that this requirement has been included in the policy because

HMOs tend to generate more waste than a typical C3 use. With the number of occupants being limited to 4 in this case, it is not considered that there is likely to be a material increase in refuse storage compared to what might be expected for the current lawful use of the property as a 3 bedroom dwelling. As a result, a refusal of planning permission would not be justified on refuse storage grounds alone.

A calculation of the concentration of existing HMOs in a 100m radius reveals that there are no existing HMOs amongst the 96 dwellings. The proposal would result in one HMO within the residential area surrounding the application site. Officers are satisfied that the proposal for one HMO within this residential area would not lead to an over concentration of HMOs at the localised level nor would it present a harmful impact to the amenity of the neighbouring properties in terms of noise, anti-social behaviour and other associated issues arising from a high concentration of HMOs in a particular area. It is noted that additional HMOs lie outside of the 100m radius. The ratio of residential properties to HMOs within the 100m radius would be 1.04%.

Impact on the character of the streetscene and neighbourhood

Objections have been received on the grounds that the HMO use would be out of character with the area, which as existing comprises a high concentration of young families. The partial demolition of the front wall is the only external alteration proposed to the site and it is not considered that this would be of detriment to the streetscene. The change in the use of the property is not considered to result in a visual change which would impact on the character of the street. The condition related to waste storage and parking will ensure that the C4 use protects the visual amenities of the street.

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. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or by the creation of visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity in relation to loss of light and outlook which would warrant reason for refusal of the application. One neighbour has objected on the grounds that the use of the conservatory in the night time would generate light pollution and impact on the neighbour's amenity. Officers do not consider that the use of the property as a small HMO would result in the conservatory being used more intensely than a typical C3 (dwellinghouse) use. Further to this, it has not been demonstrated that the use of conservatories at semi-detached dwellings in the night time has adverse impacts on neighbour amenity.

The Council's Private Sector Housing department have been consulted and consider the proposal to provide suitable living conditions. They have provided

further guidance on what would need to be provided in the property, such as fixings and appliances but this goes beyond the remit of a planning application and is treated as being purely informative for the applicant for when an application for a licence is sought.

The Town Council have raised concerns with the potential for noise to transfer through the internal walls into the ground floor bedroom. The Health and Community Protection Officer has not objected on these grounds, nor have they recommended a condition related to noise mitigation measures (such as acoustic insulation). Bedrooms next to habitable spaces is not an unusual scenario in residential properties and this is not considered a reasonable reason for refusal.

Objections have also been received over concerns related to anti-social behaviour, specifically in reference to the potential for parties to occur at the site. The purpose of Policy H6 is to prevent unacceptable adverse impacts on amenity and to control the location of new HMOs in order to prevent these uses creating harmful concentrations of HMOs. It is recognised that additional HMOs can impact on local amenity where they lead to concentrations in very localised situations. In relation to the application site, the policy aims to prevent concentrations by ensuring that within a 100m radius of the site not more than 10% of dwellings are HMOs and also by preventing the "sandwiching" of a non-HMO between two HMOs or a continuous frontage of three or more HMOs. It has been established that the proposal is policy compliant with H6 and whilst anti-social behaviour is recognised to be a consequence of high concentrations of HMOs, Officers do not consider it reasonable to resist granting planning permission over the potential for anti-social behaviour to occur and impact on neighbour amenity from a single HMO. Matters such as this are covered by separate legislation outside of planning and it is considered that such a low concentration of HMOs in this area of Lillington would sufficiently mitigate the impact of the proposed use on amenity.

The proposal is considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

The proposal as originally submitted was for a 5 bedroomed HMO which would be required to provide 3 off road parking spaces.

The applicant has offered to remove the front garden wall in order to provide easier access and egress from the driveway for the future occupiers. The driveway is capable of accommodating two parked vehicle in accordance with the SPD as per the amended plan and Officers are satisfied that there would be sufficient circulation space provided for the manoeuvring of bikes and bins.

As a 5-bed HMO was therefore an initial shortfall of one parking spaces, and this was considered unacceptable because the applicant has not submitted a parking survey to demonstrated that there would be spare capacity in a street which is already oversubscribed for off-street parking. Neighbours, the Town Council and the Highway Authority at the County Council have objected on these grounds.

In light of this issue, the proposal has been amended to reduce the occupancy from a 5 bedroomed HMO to a 4 bedroomed HMO. The SPD now requires two

parking spaces to be provided – equal to that already provided at the site. The proposed change of use is not considered likely to result in on street parking demand due to suitable off street provision and therefore the development is considered policy compliant.

A condition will be attached to the decision notice to restrict the maximum occupancy of the HMO to 4 bedrooms in the interest of parking and neighbour amenity. A further condition will secure the demolition of the front boundary wall so that parked vehicles may access and egress the site independently.

Bikes are proposed to be stored in the garage.

Conclusion

The proposed 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 for parking as a result of the change of use provided that the recommended condition to restrict occupancy to 4 bedrooms and 4 individuals at a maximum is adhered to. The proposed change of use is therefore recommended for approval.

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(s) 2022/68/02 REV A and 2022/68/03 REV A, and specification contained therein, submitted on 31st May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies TR3 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The use of the dwellinghouse as a C4 HMO hereby permitted shall be not commence unless and until the car parking provision has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling in strict accordance with the approved drawings. Thereafter those spaces shall be retained for parking purposes at all times and the front wall may not be extended in width in any way. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 4 The number of bedrooms occupied in the C4 HMO hereby permitted shall not exceed four and the number of individuals residing in the property shall not exceed four. **REASON:** To ensure the satisfactory

provision of off-street parking in accordance with the local planning authority's standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
