

Planning Committee: 18 March 2014

Item Number: **11**

Application No: W 13 / 1683

Town/Parish Council: Leamington Spa

Registration Date: 22/01/14

Case Officer: Emma Spandley

Expiry Date: 19/03/14

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34 Leicester Street, Leamington Spa, CV32 4TE

Change of use from C3 (Dwellinghouse) to C4 (HMO) FOR Mr Patel

This application is being presented to Committee following a request from Councillor Janice Dean and due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the existing property from a single dwelling (Use Class C3) to a small 4 bedroomed House in Multiple Occupation (Use Class C4). The proposals also include an enclosed bin storage area located to the rear of the property.

THE SITE AND ITS LOCATION

The application property is a two storey terraced property located on the south side of Leicester Street, within the Leamington Spa Conservation Area. The property is in a predominately residential area, however, there are pockets of commercial activity, and it is located just a short walk away from Lillington Road and the Town Centre. Within the immediate area surrounding the application property there are two public houses. The Hope and Anchor is located on the opposite side of the row, 6 properties to the west; the Cask and Bottle is located in Lansdowne Street to the South. Also located on Lansdowne Street is Lansdowne Fish Bar, Oriental Express and S & S News Off Licence. Also within Leicester Street is St Peters Church located 3 properties to the east and Newbold Centre.

PLANNING HISTORY

There is no planning history relevant for this site

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - raise concerns as to whether the proposal meets the criteria for HMOs and whether there is a lack of parking for the scheme.

Highways (WCC) - No objection

Environmental Health - No objection

Waste - Comments on the size of bins required.

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

The Council have recognised that there is an issue with regard to the over concentration of HMOs within certain areas, including the ward in which the application site is located. Potential issues arising from any such over concentration include noise and anti-social behaviour, increased crime, a negative impact on the physical environment including inadequate attention to waste disposal, lower levels of community involvement/ cohesion and pride in the area, impact on local services and increased pressure on spaces for on-street parking.

In response to the concerns raised, the Council's Executive have agreed a Interim Planning Policy for HMOs & Student Accommodation for consultation purposes. This was the subject of a six week period of public consultation. At the Council's Executive in November 2013, the Policy was agreed and adopted.

This policy is a material consideration for all proposals for HMOs and Student Accommodation in the District.

The Policy Context

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. 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.

The Interim HMO Policy advises 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 the total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop, and;
- c) 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

- a) There are 17 known HMOs within a 100 metre radius of the application site, and 181 residential properties / flats.

The existing 17 HMOs are located at:-

- No. 39 Clarendon Street;
- No. 28 Hill Street;
- No. 10 Suffolk Street;
- Nos. 69 & 74 Kennedy Square;
- Nos. 1, 3, 5, & 9 (odd) and Nos. 6, 12, 14, 18, 24, 26, 42, & 44 (evens) Leicester Street.

The proportion of HMOs to residential units is currently 9% and therefore equates to a 9% concentration. The proposal therefore does not exceed a 10% concentration within a 100 metre radius.

Comments have also been received with regards to the density of residential properties, mainly the flats to the south of the site in Kennedy Square which are suggested to be skewing the figures. However, within the 100 metre radius there are also large garage sites, the church and parish rooms site which are considered to result in an overall balanced assessment.

b) The nearest principle bus stop is located on Leicester Street within 400 metre walking distance from the application site.

c) Bin storage is shown on drawing A dated 22nd January 2014 and is proposed to be located to the rear of the building, with sufficient access to enable the bins to be taken in and out onto the vehicle access to the rear onto Leicester Street.

Several responses have been received from neighbours concerned with the concentration of HMOs within the area and the associated neglect of properties, noise and disturbance. However, it is considered that the proposed change of use is in accordance with the Interim HMO Policy and is considered acceptable in principal.

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

The application site is located to the east of the town centre in an area which is predominately residential, however, as stated above there are retail / commercial uses located within the 100 metre radius.

The application site is located on the main road with residential properties on either side and across the street. It is considered that the proposed development will not result in a significant increase in activity in and around the site including pedestrian and vehicle movements, along with associated noise and disturbance which will not be materially greater than that currently experienced within this area close to the Town Centre and public houses. It is further considered that as the current level of concentration is below the 10% criteria as set down within the HMO Policy, the level of harm relative to the current dwelling house use will not be demonstrably greater in terms of the living conditions of the occupiers of the surrounding buildings.

Issue 3: Impact on the character and appearance of the Conservation Area

Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy DP1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The proposal does not include any external alterations and therefore it is considered that the proposal will not have a detrimental on the setting of the Conservation Area.

Issue 4 Car parking and highway safety

Policy DP8 states that development will only be permitted which makes provision for parking and does not result in additional 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. The existing property requires 2 car parking spaces, but does not benefit from any off road parking.

There are no parking restrictions within the immediate area. Within the daytime it is acknowledged that parking within the vicinity is at a premium however during the evening it was noted that the demand was less than the daytime.

As the proposed change of use, does not increase the living accommodation, it is considered that the parking demand will be no greater than the existing dwelling.

Highways have raised no objections on the above grounds and therefore it is considered the proposed will not have any material detrimental impact on highway safety.

Renewables

It is considered that the proposed change of use from a dwelling to a small HMO will not result in a significant increase in the energy demands of the property and therefore it is not considered reasonable to require a 10% provision of renewable energy on site.

SUMMARY/CONCLUSION

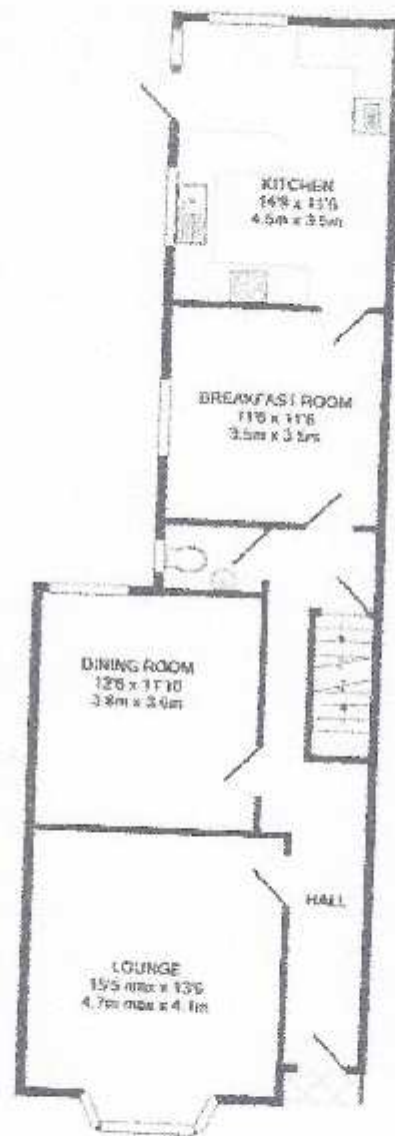
The addition of another HMO within the area will not exceed 10% within a 100 metre radius, the bin storage will be to the rear and the site is centrally located near to sustainable transport links such that, the proposal is considered to be in accordance with the recently adopted HMO Policy. The existing property requires the same amount of off road parking as the proposed HMO and it is therefore considered that the change of use will not require any greater car parking as set out within our Vehicle Parking Standards SPG and is in compliance with the aforementioned policies.

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 drawings A block plan, and specification contained therein, submitted on 22nd January 2014. **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.







GROUND FLOOR

Scale 1:100





1ST FLOOR

Scale 1:100

0m