

Planning Committee: 09 October 2018

Item Number: 13

Application No: [W 18 / 1571](#)

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

Registration Date: 28/08/18
Expiry Date: 23/10/18

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222 Rugby Road, Leamington Spa, CV32 6DZ

Proposed change of use from C3 residential (existing 1no. one bedroom flat and 1no. two bedroom flat) into 6 bedroom House in Multiple Occupation (use class C4). FOR Mr C Franch

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application is seeking permission for the change of use from a dwelling (Class C3) to a 6 bed HMO (Class C4) as the property is within an area covered by an Article 4 Direction. A fire escape would be removed from the rear elevation and blocked up with matching materials.

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

W/04/0991 - planning permission granted for alterations to vehicular access and replacement flat roof over garage.

W/18/0066 - planning permission granted for change of use from a dwelling (Class C3) to a 4 bed HMO (Class C4).

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

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, however, the Town Council notes that the residents at the top floor will be more than one floor from the kitchen which does not accord with the Council's guidance; concern regarding impact on existing parking stress.

Private Sector Housing: No objection, comments regarding fire precautions.

WCC Highways: No objection.

Public Responses: 6 Objections: concern regarding the increase in the parking requirement and the impact on existing parking stress, and associated highway safety concerns; additional noise disturbance.

ASSESSMENT

The main issues relevant to consideration of this application are:

- Principle of the change of use
- The impact on the amenity of the area and living conditions of local residents
- Private Sector Housing
- Impact on the Conservation Area
- Car Parking and Highway Safety
- Waste Management
- Ecological Impact
- Health and Wellbeing

Principle of the change of use

Whether the proposals would cause a harmful over-concentration of HMOs 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.

Assessment

- a) the number of HMOs when including the application property within a 100 metre radius of the site would be 5.71%.
- b) The property is located within 400 metres of five bus stops.
- c) The proposal does not lead to sandwiching of a non HMO property between two HMOs
- d) The proposal 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 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.

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

Policy BE3 of the adopted Local Plan states that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The Article 4 Direction was put in place and Policy H6 adopted on the basis of evidence which demonstrates that the concentration levels of HMOs within an area contributes to adverse impacts including noise and disturbance, social cohesion and litter.

Members of the public have raised concerns that the development would have a harmful impact on neighbouring amenity and that there would be additional noise disturbance.

However, there would be no additional built form as a result of the proposed development. Given that the concentration of HMOs would be within the limits set by Policy H6, it is therefore unlikely that this would generate additional noise disturbance, litter or hinder social cohesion to an extent which would warrant reason for refusal of the application.

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

Private Sector Housing

Private Sector Housing have no objection to the proposed development and note Building Regulation requirements which would be dealt with at a later stage by Building Control.

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.

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. 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.

The proposal includes the removal of an incongruous fire escape at the rear of the building which would be blocked up with matching materials, which can be controlled by condition. This is considered to represent an improvement to the application property and setting of the Conservation Area. It is noted that the Conservation Officer has no objection to the proposed amendment.

The proposal is therefore considered to accord with Local Plan Policies HE1, HE2 and BE1.

Car Parking and Highway Safety

There have been objections to the application from members of the public who express concern regarding an increase in parking requirement as a result of the change of use, the impact on existing parking stress, and associated highway safety concerns.

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* (updated after the submission of the previous application) sets out Warwick District Council's detailed parking standards for developments.

In accordance with the updated guidance, the existing 2 bedroom flat generates a parking requirement of 2 spaces, and the ground floor flat requires 1 space, with a total existing requirement of 3 spaces. There is off street parking at the rear of the site for two spaces and two garages, providing 3 spaces.

In accordance with the Council's adopted Vehicle Parking Standards, the parking requirement for a 6 bedroom HMO is 3 spaces. Therefore, there would be no additional demand generated as a result of the proposed change of use which can be accommodated within the site boundaries. Furthermore, there would be no reduction in the off street parking provision for the site.

WCC Highways have been consulted on the proposals and raise no objection from a parking or highway safety perspective.

Under the previous application, given that the parking provision did not materially alter under the proposal, it was considered reasonable to attach a condition that limited the HMO to only no. 4 bedrooms. This was considered appropriate because it ensured that should the applicant want to provide additional rooms which would necessitate additional parking spaces being provided, a detailed consideration could be undertaken to this provision and its layout. However, as the Vehicle Parking Standards have been updated since this approval and the current application does not materially generate the need for additional parking, because the existing parking requirement is the same as that for the proposed use.

Should the applicant wish to increase the number of bedrooms further, planning permission would be required for a sui generis use for a large HMO. Therefore, it is not considered necessary to attach a condition limiting the number of bedrooms for this application.

It is considered that the proposal would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and 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

No issues.

Health and Wellbeing

There are no health and wellbeing benefits identified.

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. In any event the principle of a small HMO at this site has already been established pursuant to planning permission W/18/0666. There would be no additional harm to nearby uses or residents as a result of the proposal which adds two bedrooms to the already approved application. The parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

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 102C and 105D, and specification contained therein, submitted on 12th September 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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