

Planning Committee: 11 December 2018

Item Number: **8**

Application No: [W 18 / 1971](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 08/10/18

Expiry Date: 03/12/18

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2 Greatheed Road, Leamington Spa, CV32 6ES

Change of use from single dwellinghouse (Use Class C3) to a 4 bedroom House in Multiple Occupation (Use Class C4) (retrospective application) FOR Mr P Lightfoot

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

It is recommended that Planning Committee grant planning permission, subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

The proposal is a retrospective application for the change of use from a single dwelling to a 4 bedroom Housing in Multiple Occupation (HMO).

No physical changes are required to either the internal layout or external appearance of the building.

THE SITE AND ITS LOCATION

The application relates to a two storey end of terraced dwelling situated on the north-western side of Greatheed Road. The property runs parallel to the Rugby Road and has two points of access, one directly from Rugby Road to the eastern end of the road and from a junction with Gaveston Road that links to Rugby Road at the western end of Greatheed Road.

Greatheed Road is a street of Victorian terraced dwellings situated within the Leamington Spa Conservation Area. Within the street scene, the predominant character is of existing two storey dwellinghouses. In addition, an existing school spans a significant length of the frontage on the southern side of Greatheed Road.

There are rear outbuildings to a number of the properties in Greatheed Road, including the neighbouring dwellings. The application property backs-on to a gated rear access that gives access to the rear of the properties along Greatheed Road. Beyond this access are the rear gardens of dwellings in Wheathill Close. This area is accessed by a length of highway extending the length of the plot of

2 Greatheed Road. The side elevation of the application property flanks this road. The road also serves a range of outbuildings located to the rear of dwellings that front onto Northumberland Road.

PLANNING HISTORY

W/10/0211 – Loft conversion for bedroom – GRANTED 28.06.2010

W/05/1911 - Change of use from ground floor crèche/ nursery (D1) use and first floor flat to a single dwelling house – GRANTED 03.01.2006

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)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (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)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection - One on site parking space is insufficient and does not comply with the WDC Parking Standards. Possibility of four cars at the property that would add to on-street parking pressures which are already significant in the area.

WDC Private Sector Housing: Make the following comments;

- I am guessing there is a disused cellar to this property, but no plans shown. It would need to provide 30 minutes separation to the ground floor and have a 30 minute door at ground floor level.
- If this HMO is let on a shared house basis, i.e. a company let with all persons on a single contract, I would expect to see an L3 (escape route + kitchen + lounge) Grade D fire alarm to BS5839 Part 6.
- All doors to the escape route should be FD30SCS standard.
- No licence is required so long as less than 5 persons.
- The kitchen and bathroom facilities would be adequate for the number of occupiers.
- The floor areas of the rooms are not specified, but would need to achieve 6.5 sq.m.

WCC Highways: Having undertaken a full assessment of the development proposals, the Highway Authority considers it unlikely that the development proposals will have a detrimental impact on public highway safety, or on the capacity or operation of the local highway network. Therefore, the response of Warwickshire County Council as the Local Highway Authority to the above application is one of no objection.

Public Response:

A total of 93 letters of objection have been received on the following grounds;

- Violates local and national policies.
- Not consistent with WDC's parking standards.
- Adds to existing parking problem.
- Parking survey shows that parking is grossly over-subscribed.
- Highway Safety implications due to nearby school.
- Increased risk of anti-social behaviour.
- Harm to character of the road as private residences.
- Harm to the character of the Conservation Area.
- Increase litter problems due to poor waste management.
- Potential deterioration in maintenance levels and appearance.
- Additional fear of crime issue due to use as HMO.
- Property has already been burgled twice.
- Restricts access for emergency vehicles.
- Increased fire risk.
- Additional noise disturbance.
- No mechanism to control future tenancies.

A total of 3 letters of support have been received on the following grounds;

- No argument for refusal.
- Well below the 10% threshold of H6.
- Parking is no different to many other streets.
- Policy must be applied consistently.
- Could not defend a refusal at appeal.
- North Leamington should take its share of meeting demand for HMO's.
- Parking survey is irrelevant as it was done whilst the property was already operating as an HMO.
- Does not breach the up to date parking standards as a 4 bed dwelling requires 3 spaces and a 4 bed HMO requires 2 spaces.
- The NPPF and Local Policies promote mixed and balanced communities.

A total of 5 letters of comment have been received highlighting the following matters;

- Access to adjacent properties sometimes blocked by parked cars.
- All existing houses in street are single family homes.
- Proposal does not breach Policy H6 and to resist development would undermine the credibility of the Policy.
- Cannot see how 1 HMO in 130+ properties can be harmful.
- Property has operated for some time so cannot see how parking and waste issues would be exacerbated.

- Gaveston Road parking survey showed parking at 101% of legal parking capacity so is not "grossly over-subscribed" as stated.
- Have sympathy with school parking issues but this is limited duration at the start/end of the day and is term-time only.
- Whilst operating without planning permission is frustrating, it cannot be a reason to refuse if all matters are acceptable as is the case here.

ASSESSMENT

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

- Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area;
- The impact on the living conditions of neighbouring dwellings;
- Car parking and highway safety;

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

In terms of national policy, Paragraph 61 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities.

Paragraph 127 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.

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

- a) Within a 100 metre radius there is only 1 other HMO out of 43 residential units. The existing concentration level is at 2.33%. The addition of one further HMO would result in a concentration level of 4.76%. The proposal is therefore not in breach of the 10% limit of HMOs within a 100 metre radius.
- b) The nearest bus stop is located on the Rugby Road which is approximately 145 metres from the property and is therefore well within 400 metres walking distance threshold.

- c) The existing property does not sandwich a non-HMO between another HMO.
- d) It does not lead to a continuous frontage of HMOs
- e) The property has a rear access way which means the bins can be stored in the rear garden and moved to the appropriate location on collection day.

The objections received are noted, however, the proposal complies with all of the criteria contained within Policy H6 of the Local Plan and therefore it is considered that the proposal will not lead to an over concentration of HMOs within the area and will not result in material harm to the more settled residents of the area through increased noise and anti-social behaviour.

Impact on visual amenity and the character of surrounding area and Royal Leamington Spa Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The property retains the appearance of a single, end-terrace dwelling which is in keeping with the local street scene and surrounding area. The use of the premises as an HMO would not affect the visual amenity or character of the surrounding area.

It is acknowledged that the occupation of the premises as an HMO would potentially differ from that of a private dwellinghouse. However, the operation of a single HMO in this location is not considered to result in any change to the overall character of the area.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The development proposal is for the change of use of the existing four-bed dwelling to a four-bed House in Multiple Occupation (HMO). The updated Parking Standards SPD (June 2018) stipulates that a four bedroom dwelling has a requirement to provide a total of three off-street car parking spaces. In the same standards, the requirement for a four bedroom HMO is to provide two off-street car parking spaces on the basis of one space per two bedrooms.

There is a single off-street car parking space to the rear of the application site and this parking space would remain to serve the HMO.

Despite a shortfall in the level of parking proposed to serve the proposed HMO, it is a reduction in the level of parking that would be required for the existing dwelling, which could reduce the demand for on-street parking within the vicinity of the application site.

The County Highways Authority in providing their response to the application note that there are no on-street parking restrictions in place along Greatheed Road, and there is an access road adjacent to the application site which could also accommodate on-street parking.

The proposal is therefore considered acceptable in respect of Policy TR1.

Private Sector Housing

The proposal meets the requirements set out by Private Sector Housing and they raise no objection.

Conclusion

The proposed development accords with the provisions of Local Plan Policy H6 relating to the provision of Houses in Multiple Occupation.

There are no site specific criteria that would affect the development. There is no technical objection from the County Highways Officer in terms of parking or highway safety that would outweigh the grant of planning permission. Adequate facilities are available within the site for the storage of waste.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled 'proposed floor plans', and specification contained therein, submitted on 8 October 2018 and 24 October 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.
