

Planning Committee: 14 December 2005

Item Number: 12

Application No: W 05 / 1777

Registration Date: 24/10/05

Town/Parish Council: Leamington Spa

Expiry Date: 19/12/05

Case Officer: Joanne Fitzsimons

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6 Forfield Place, Leamington Spa, CV31 1HG

Change of use to a house in multiple occupation (Retrospective Application) FOR Mr
G Johal

This application is being presented to Committee due to objections from the Town Council and a petition of 44 signatures having been received.

SUMMARY OF REPRESENTATIONS

Town Council: Object as the dwelling provides insufficient sanitary facilities in relation to the number of proposed occupants. The provision of car parking facilities is inadequate for the number of occupants and the probable vehicular usage associated with the dwelling.

Environmental Health: The proposals are satisfactory. The house has recently received accreditation and will be subject to mandatory licensing from 6 April 2006.

1 Neighbour letter: Object as the application will create further difficulties with parking, create potential late night parties.

Petition: 44 signatures objecting on grounds that it is an over-intensification of HIMO in Forfield Place, massive increase in occupants, their noise, rubbish, visitors and traffic. Increase pressure for parking, dominant concentration of young adult occupants; short term occupation increasing tendency towards poor maintenance and the areas surrounding it. Potential criminal damage.

A survey was attached to the petition which claims that 8 out of 14 properties are non-family shared in Forfield Place, whilst 10 out of 21 in Camberwell Terrace are non-family shared.

Applicant Letter: The applicant has responded to the petition and states that there is only one other HIMO in Forfield Place and that other properties may have students living there which do not fall within this category. This property has been accredited by Paul Hughes from Environmental Health with top marks (5 stars). The number of adults is increasing from 6 to 8 and therefore will not create extra noise that would give rise to dominant concentration of young people.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

In 2004 (reference W04/1972) a planning application was granted for a front and rear facing dormer window.

KEY ISSUES

The Site and its Location

The site relates to a mid terrace property within the designated Conservation Area, within walking distance from the Town Centre. Until August 2005 the property was occupied by six adults and four children. There is parking available on either side of the road, but there is a time restriction unless a resident permit holder.

Details of the Development

The application is retrospective, seeking to retain the house in multiple occupation for 8 people, with no external architectural alterations. The accommodation utilises the basement, ground, first and attic floors.

Assessment

Clearly I am mindful of the level of local objection to this application, however I do not consider that the proposal is unacceptable in terms of impact on the character and appearance of the Conservation Area or streetscene generally. The increase in number of occupants to 8 people would not in my view result in an unacceptably high concentration of adults within this locality.

In allowing the appeal at 64 Russell Terrace which was for 18 bed student accommodation, the Inspector had regard to the level of student bed accommodation in the area, however concluded that in the absence of any specific policy guidance on the subject, stated that it was not possible to determine whether the scheme would unacceptably tip the balance of uses as there was "no definition of what an acceptable balance might be". In this respect, I do not consider that the application could be refused on grounds that this scheme would tip the balance of uses within Forfield Place.

Similarly, with regards to parking, the site is within walking distance of the town centre and therefore walking, public transport and cycling are to be encouraged thereby reducing reliance on the car, in line with Government objectives. As such, I do not consider a refusal on these grounds to be sustainable.

RECOMMENDATION

GRANT subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of

three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 03 and specification contained therein, submitted on 25 October 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not adversely impact on the character and appearance of the area. The proposal is therefore considered to comply with the policies listed.
