

**Planning Committee:** 04 March 2020

**Item Number: 8**

**Application No:** [W 19 / 2095](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton  
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**Registration Date:** 06/12/19  
**Expiry Date:** 31/01/20

**18 Taylor Avenue, Lillington, Leamington Spa, CV32 7SB**

Change of use from dwellinghouse (Use Class C3) to a 5 bed HMO (Use Class C4) FOR Mr M Tanna

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This application is being presented to Planning Committee due to the number of objections and an objection from the Royal Leamington Spa Town Council having been received and the application is recommended for approval.

**RECOMMENDATION**

Members are recommended to grant planning permission for the reasons set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks a change of use of an existing residential dwelling to a 5 bed roomed House in Multiple Occupation (HMO). The associated works involve alterations to the internal layout only and no external changes are proposed to the building nor is the existing access to be altered as part of this proposal.

**THE SITE AND ITS LOCATION**

The application site consists of a two storey semi-detached dwelling located to the northern end of Taylor Avenue, Leamington Spa which is a predominantly residential area. The property benefits from a large rear garden and driveway parking to the front contained by a low boundary wall.

**PLANNING HISTORY**

None.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- [Guidance Documents](#)
- Parking Standards (Supplementary Planning Document)

- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on grounds of parking and the outlook from bedroom 5.

**Councillor Russell:** Objects on the grounds of parking.

**WCC Highways:** Initially objected due to lack of parking and no parking survey to demonstrate capacity on street. Following a site visit from the Highway Officer and the submission of amended plans, the objection has been withdrawn.

**WDC Private Sector Housing:** Object on the grounds that there is insufficient outlook from bedroom 5, raise concerns regarding the size of the dining/sitting room and the level of outlook from the dining/utility room.

**Waste Management:** No objection

**Public Response:** 20 letters of objection have been received raising concerns primarily about parking, highway safety and the impact on the character of the area.

## **ASSESSMENT**

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation 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.

The proportion of HMOs within a 100m radius of the application site is 0.8%. The proposed development would increase this to 2.1%. The property is located within 400 metres of several bus stops, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

The property has a rear amenity area which is where the bins would be located and then easily placed on the roadside for collection.

In conclusion, the principle of the development is considered to be acceptable and conforms with Policy H6.

#### Living conditions of future occupiers

Private Sector Housing have been consulted and have raised concerns regarding the outlook from bedroom 5. This concern was shared by the Officers and subsequently the internal layout has been amended to provide an outlook and light to all habitable rooms. The bedroom room sizes have been confirmed as exceeding the Council's minimum requirement of 6.5sqm. Private Sector Housing also raised concerns regarding the size of the dining/sitting area. It is recognised that HMO licensing requirements are the subject of separate legislation and may not be a material planning consideration in the determination of this application. An informative note reminding the applicant of the minimum standards under licensing is considered appropriate in this case.

The development is therefore considered to provide adequate living conditions for the future occupiers of the HMO in accordance with adopted Local Plan Policy BE3.

#### Impact on the street scene

There are no external changes proposed to the building, such that it is not considered that there is any material impact on the character of the street scene. The proposal is therefore considered to accord with Policy BE1.

#### Car Parking and Highway Safety

Policy TR3 states that development will only be permitted which makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Parking Standards SPD sets out Warwick District Council's detailed parking standards for developments.

The existing property as a 3 bedroomed dwelling is required to provide 2 off road parking spaces. The change of use to a 5 bedroomed HMO would increase the requirement of off road parking spaces to a total of 3 spaces. There is currently a large driveway to the front and side of the dwelling that provides adequate space for 3 cars. The site benefits from two access points to the driveway from Taylor Avenue.

20 objections were received from neighbouring residents with the main concern being parking and highway safety concerns. The Warwickshire County Council Highways team have been consulted on the proposals and did raise an initial objection regarding the provision of parking. Revised plans have since been received showing that 3 parking spaces can be accommodated on site and therefore the Highway Authority have subsequently withdrawn their initial objection. Based on this I am satisfied that the proposal will not cause an unacceptable level of harm in terms of highway safety.

Highways have recommended an informative note requiring the permission from the Highway Authority if the access were to be widened in the future, this is considered appropriate and will be added.

The property is also required to provide 3 cycle spaces. The existing property benefits from a detached garage and rear amenity area that could both provide adequate provision for cycle storage.

The proposal provides adequate provision for required 3 off road parking spaces in line with the adopted Parking Standards SPD and the development therefore accords with adopted Local Plan Policy TR3.

#### Amenity of the occupiers of nearby properties

20 public objections have been received which focus mainly on the parking provision and to a lesser degree the impact of the HMO on the amenity of neighbouring properties and the surrounding area. From an amenity perspective there is currently no known issue of any anti-social behaviour in the area and it is not considered that the proposal is likely to introduce any such behaviour to an extent to which objection could be raised.

The proposal is therefore considered to accord with Policy BE3.

#### **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. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application is 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) AL (P) 00 A, AL (P) 02 C, and specification contained therein, submitted on 22nd January 2020. **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.

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