

Planning Committee: 18 July 2023

Item Number: 8

Application No: [W 22 / 1745](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
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Registration Date: 09/02/23

Expiry Date: 06/04/23

3 Rai Court, Beauchamp Road, Leamington Spa, CV32 5RP
Change of use from 4 bed house (Use Class C3) to 4 bed House in Multiple
Occupation (HMO) (Use Class C4) FOR Rai Property Investments

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 the application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Change of use from dwellinghouse (C3) to 4 Bedroom HMO (C4).

THE SITE AND ITS LOCATION

The application site is located on the west side of Beauchamp Avenue on a corner plot at the junction with Trinity Street. The site is situated just to the north of boundary of the Town Centre. The site is located within the Royal Leamington Spa Conservation Area.

The main residential area is to the north and comprises of mainly large two storey white stucco villas with sash windows, three storey town houses, Binswood Hall retirement complex and a couple of mid 1900's semi detached two storey properties. Trinity Street is a mixture of commercial, residential use and garages to the properties on Binswood and Beauchamp Avenues. The Victorian properties to the north side of Binswood Avenue are mainly three storey terraces with verandas at either ground or first floor. Along the south side are mainly rendered villas (detached and semi detached) with bays, sash windows, recessed front doors and slate pitch roofs. To the south is the Kingsley High School complex which comprises of the main building in Beauchamp Avenue with ancillary buildings converted from Edwardian style houses and infill extensions, extending into Beauchamp Road. The converted houses are large two and half storey properties with tiled pitch roofs, brick and pebble dash render walls with casement windows.

PLANNING HISTORY

W/16/1823: Appeal allowed for Demolition of existing warehouse and flat and erection of residential development comprising of a single storey 2 bed dwelling, 5no. three storey 4 bed town houses, 2no. 2 bed apartments and 1no. 3 bed apartment.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- H6 - Houses in Multiple Occupation and Student Accommodation
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Holding objection subject to confirmation regarding adequacy of parking survey, HMO concentration and number of HMOs in a row.

Waste Management: No objection, subject to conditions.

Conservation Officer: No objection

Public Response: 32 letters of objection citing loss of amenity, specifically from an overconcentration of HMOs, antisocial behaviour and parking issues. Concerns also raised regarding conflict with Policy H6, harm to the conservation area and listed buildings, cycle storage, adequacy of recycling and waste disposal facilities and highway safety.

ASSESSMENT

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

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 are 5 existing HMOs out of 78 residential units. The existing concentration level is at 6.4%. The addition of one further HMO would increase the concentration of HMOs to 7.6% which is below the 10% limit of HMOs within a 100 metre radius.
- b). The nearest bus stop is located within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between HMOs.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

N.B this calculation includes 8 Rai Court as an existing HMO.

Including the current application at No. 2 Rai Court the concentration would increase to 9.0%, still below the 10% threshold.

The development meets the requirements of Local Plan Policy H6 and is therefore considered acceptable.

Parking and Highway Safety

There have been objections from the Town Council, the public and Councillors that the additional housing will result in high levels of cars parking on the street, with an adverse impact on the street scene and is contrary to the Vehicle Parking Standards.

One objection considers the parking survey insufficient however the survey is in accordance with the WDC guidance within the adopted parking standards guidance.

There is no off street parking proposed (or possible) as part of the development and therefore the parking demand will need to be provided on street.

The proposed 4 bedroom HMO according to the parking standards SPD will require 2 spaces.

The parking survey demonstrates there is more than sufficient capacity for 2 additional cars to be parked within 200m of the site without resulting in detriment to Highway Safety.

Furthermore, the Council's Parking Standards require more spaces for the existing dwelling – 3 spaces for a 4 bedroom dwelling compared to 2 spaces for a 4 bedroom HMO.

There is cycle storage in the rear gardens.

Therefore, it is considered that the proposals comply with the NPPF, Local Plan Policy TR3 and the Vehicle Parking Standards.

Other matters

The proposed change of use would not harm the character and appearance of the conservation area or the setting of any listed buildings.

Summary

The amended proposals comply with Local Plan Policies H6, BE3 and TR3, the NPPF and the Council's adopted Parking Standards. It is recommended planning permission is granted subject to conditions.

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 940-09A, and specification contained therein, submitted on 02/11/2022 approved drawings Bin Store EXT and Bin Store INT, and specification contained therein, submitted on 08/06/2023. **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 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
