

**Planning Committee:** 04 November 2020

**Item Number: 7**

**Application No:** [W 20 / 1220](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Andrew Tew

**Registration Date:** 05/08/20

**Expiry Date:** 30/09/20

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**33 Fairlawn Close, Leamington Spa, CV32 6EN**

Change of use from dwellinghouse (Use Class C3) to 6 bed House in Multiple Occupation (Use Class C4) FOR LOUNIAM INVESTMENTS

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This application is being presented to Planning Committee because it is recommended for approval and more than 5 objections have been received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed change of use from a four bedroom dwellinghouse (Use Class C3) to a six bedroom House in Multiple Occupation (HMO) (Use Class C4).

**THE SITE AND ITS LOCATION**

The application property is a detached period property located on the north-east side of Fairlawn Close within the Royal Leamington Spa Conservation Area

**PLANNING HISTORY**

W/19/1236 - Internal refurbishment of an existing dwelling including the conversion of a existing basement with lightwell - Granted.

**RELEVANT POLICIES**

- National Planning Policy Framework
  - [The Current Local Plan](#)
  - BE1 - Layout and Design
  - BE3 - Amenity
  - TR3 - Parking (Warwick District Local Plan - 2011-2029)
  - H6 - Houses in Multiple Occupation and Student Accommodation
  - [Guidance Documents](#)
  - Parking Standards (Supplementary Planning Document)
  - Residential Design Guide (Supplementary Planning Document- May 2018)
  - [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)
- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final

examination and as such is afforded substantial weight in the decision making process.

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**Private Sector Housing:** This proposal would create a 6 bed licensable HMO. The proposals satisfy space and amenities standards. Fire precautions to the LACORS guidance would be required. There are no elevation or sectional drawings to show the windows and light well for the front basement room. I would request further drawings to confirm there is adequate natural light and ventilation.

**WCC Highways:** No objection.

**Safer Communities, Health & Community Protection:** No objection with regards to noise issues only.

**Conservation Officer:** We have no comments to make on this application as no external alterations are proposed to this unlisted building in the Conservation Area.

**Public Response:** 12 objections have been received on grounds of insufficient parking, and potential occupation of the property by students.

## **Assessment**

### Principle of the Development

*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 a total of 126 residential units. The existing HMO concentration level is at 3.97% The

addition of one additional HMO would increase the concentration of HMOs within a 100 metre radius to 4.76%.

- b) The nearest bus stop is located on Rugby Road which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) The proposal does not lead to a continuous frontage of HMOs.
- e) The proposal would retain the existing waste and recycling storage arrangements in the rear garden of the property and moved to the kerbside on collection day.

The proposal is therefore considered to comply with Policy H6.

### Impact on Heritage Assets and the Street Scene

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The formation of the lightwell and associated external works to facilitate the conversion of the basement to a habitable room were approved under the 2019 planning application and the permission has been implemented in accordance with the approved details. The proposed change of use of the dwelling does not include any further external alterations and would have no impact on the street scene or the Conservation Area.

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

### Impact on neighbouring properties and whether the proposal would provide adequate living conditions for future occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations and does not lead to an unacceptable concentration of HMOs as discussed above. The Environmental Health Officer also raises no objection with regards to noise. It is therefore considered that the proposal would not result in material harm to the living conditions to neighbouring occupiers.

In terms of living conditions for future occupiers, Private Sector Housing have been consulted and confirm that the proposals satisfy space and amenities standards. Fire precautions to the LACORS guidance would be required, but this would be secured separately.

Private Sector Housing queried that there were no elevation or sectional drawings to show the windows and lightwell for the front basement room and whether there would be suitable light and ventilation. It is confirmed that these works were approved and implemented under planning permission ref; W/19/1236 where it was concluded that adequate light and outlook would be provided for the proposed habitable room. This conclusion was reached taking into account the fact that the proposed window was a large triple bay window and while the outlook was constrained somewhat by the depth of the lightwell, the habitable room was a secondary living room with the primary living room at ground floor. As proposed, the room in the basement would be a bedroom within a HMO. Were the occupier of this room to be limited entirely to this room only, Officers would perhaps have raised concerns. However, as the proposed floor plans also includes a communal living area, it is considered that the proposal would be acceptable.

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

### Parking & Highway Safety

Public responses have expressed concern regarding the lack of parking provision for the site and the existing pressure on parking in Fairlawn Close. In accordance with the Council's Parking Standards SPD, the parking requirement for the existing 4 bed house is 3 spaces. The requirement for a 6 bed HMO would also be 3 spaces. Therefore, as there would be no net increase in the number of required car parking spaces, the proposal is considered to be in accordance with the Council's adopted Vehicle Parking Standards. WCC Highways have also raised no objection to the proposed change of use.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

## Conclusion

The proposed change of use is considered to be acceptable in principle and would not result in material harm to residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use and the proposal would provide adequate living conditions for future occupiers. The proposed change of use is therefore 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) 20124-001 and specification contained therein, submitted on 5th August 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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