

Planning Committee: 20 July 2021

Item Number: 8

Application No: [W 20 / 2121](#)

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

01926 456555 andrew.tew@warwickdc.gov.uk

Registration Date: 21/12/20

Expiry Date: 15/02/21

47 Kingsway, Leamington Spa, CV31 3LG

Change of use from dwelling (use class C3) to a 4 bed HMO (use class C4). FOR
Mrs C Punj

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

The application site has no relevant planning history

KEY ISSUES

The Site and its Location

The application site relates to a two storey dwelling located on the Kingsway, Leamington Spa. The site benefits from a large front garden and driveway for parking.

Details of the Development

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

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)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways - No objection.

WDC Waste Management - No objection.

WDC Private Sector Housing - No objection.

10 No. Public Responses - Objections summarised as:

- Property not in good state of repair
- Questions if sitting room is fit for purpose
- Students do not fit into residential environment
- HMO's create ghettos in Leamington
- Prioritisation of landlords' wealth
- Convert empty offices rather than family homes
- Questions validity of data for HMO calculations
- Students do not maintain a good level of cleanliness and attract rodents
- Structural damage caused to next door neighbour
- Nearest bus stop over 400m away
- Dwelling backs onto play area
- Noise

Councillor Chilvers objection

- Nearest bus stop over 400m away
- No refuse plan with application
- Questions HMO calculation is fewer than 91 dwellings

ASSESSMENT

Principle of 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 91 residential units. The existing concentration level is at 5.5%, the addition of one further HMO would increase the concentration to 6.6% which is below the adopted 10% limit of HMOs within a 100 metre radius of the site.
- b). The nearest bus stop is located circa 190m away on the Queensway which is within 400 metres walking distance of the property. There is a further stop circa 415m from the application property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of 3 or more HMOs.
- e). The site benefits from a long driveway and front garden. During the site visit the bins could be seen, albeit screened by a parked vehicle, at the end of the drive. This appears a common arrangement for neighbouring properties, as there is no external access to the rear garden.

The proposal would not result in an over concentration of HMO's in this area and so is not considered to have a harmful impact on the amenity of neighbouring properties. The proposal complies with Local Plan policy H6.

Impact on the Street Scene

The proposed change of use includes no external alterations and would have no impact on the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

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. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers. The site also benefits from a rear private amenity area for the future occupiers which is considered adequate.

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

Parking & Highway Safety

The site benefits from a driveway with sufficient space to accommodate 2 parking spaces. As the requirement for the proposed 4 bed HMO would also be 2 spaces, the proposal is considered in accordance with the Council's adopted Parking Standards SPD.

WCC Highways have been consulted and raise no objection. They request the provision of 4 no. cycle storage spaces (one for each bedroom) secured via condition. As the SPD only requires 2, this is the maximum that can be secured.

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

Other Matters

The validity of the data has been questioned. However, this has been checked and confidence in it is maintained.

CONCLUSION

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. 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) "proposed floor plan REV A" and specification contained therein, submitted on 21/12/2020 **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.
- 3 The development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.