

Planning Committee:

Item Number: 15

Application No: [W/18/0803](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 03/05/18

Expiry Date: 28/06/18

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17 Gaveston Road, Leamington Spa, CV32 6EX

Change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). FOR Chas Khehra

This application is being presented to Committee because the application is recommended for approval and the Town Council has objected 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

This application seeks to change the use of the existing single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4).

THE SITE AND ITS LOCATION

The application site is a mid-terraced property which has a cellar (non habitable) and rooms in the attic. The property is located on the west side of Gaveston Road within a predominantly residential area. The property has a rear vehicular access off Rugby Road.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Town Council: Objection, for the following reasons:

- Location of the kitchen - According to WDC Space and Amenity Standards for HMOs 'where kitchens are shared they should not be more than one floor distance away from any user.' The layout of this property means that those occupiers of the second floor bedrooms are more than one floor away from the kitchen facilities.
- Provision of on-site parking - WDC Parking Standards state that there should be 'one space per two bedrooms'. There are five bedrooms therefore three spaces are required. Three spaces have not been provided.

WCC Ecology: No objection

Highway Authority: Comments awaited. Will be reported to Members in Update Report.

Public Response: 42 objections have been received focused on the following reasons:-

- Increase in traffic and cars in the road, on street parking is already limited and leads to dangerous levels of congestion, especially around the school drop off and pick up times.
- Due to the lack of parking on the street for residents, cars park unsafely, by parking on corners, double parking and parking on pavements.
- The impact from the proposed change of use on the neighbours through noise disturbance.
- The houses are all family houses, that are looked after, the proposal will lead to a break in community spirit.

ASSESSMENT

The main issues relevant to the consideration of this application are:

- Principle/ Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area;
- The impact on the living conditions of neighbouring dwellings;
- Car parking and highway safety;

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

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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 is only 1 other HMO out of 119 residential units. The existing concentration level is at 0.008%. The addition of one further HMO would not breach the 10% limit of HMOs within a 100 metre radius (0.017%).
- b) The nearest bus stop is located outside Stamford Gardens which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) It does not lead to a continuous frontage of HMOs
- e) The property has a rear access way which means the bins can be stored in the rear garden and moved to Rugby Road on collection day.

The objections received are noted, however, the proposal complies with all of the criteria contained within Policy H6 of the Local Plan and therefore it is considered that the proposal will not lead to an over concentration of HMOs within the area and will not result in material harm to the more settled residents of the area through increased noise and anti-social behaviour.

The impact on the amenity of the area and living conditions of local residents.

Policy BE3 of the Local Plan states development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The background work behind the formation of Policy H6 determined that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in night time noise and disturbance. However, as the existing area has an extremely low concentration of HMOs, it is considered that an additional HMO will not result in material harm to the living conditions of local residents.

Parking and Highway Safety

Policy TR3 of the Local Plan 2011-2029 states that development will be expected to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.

The 'Vehicle Parking Standards' SPD (2007) includes a requirement of one parking space per two bedrooms for HMOs. On that basis, three off-street spaces would be required for the proposed use. The existing use requires two spaces. There is therefore a shortfall of one off road car parking space.

The SPD also includes advice on when provision below the stated levels may be acceptable. This includes situations where there will be no adverse impact on on-street parking arising from the development because there is sufficient capacity for on-street parking without detrimentally affecting safety and convenience for other residents and occupiers, and also where a development would meet other planning objectives and would not unacceptably worsen the parking situation.

The application property is located on the edge of the Town Centre, off a main road (Rugby Road), with many services (including public transport) and facilities within easy walking or cycling distance. Gaveston Road has terraced properties either side of the road, therefore, there is pressure for on street parking in the evenings when most residents are home.

Gaveston Road has unrestricted parking on both sides of the road and at mid afternoon at the time of the case officer's site visit there were a number of vacant spaces. The roads in the immediate vicinity of the site were observed and all of the surrounding streets were well parked with few available spaces. However, whilst there is a clear demand in the locality for on-street parking during the daytime, no evidence of the interruption to the free flow of traffic as a result of the current parking arrangements or any evidence of illegal parking was seen at the time of the site visit.

The proposed site is in reasonable walking distance to bus stops and the town centre and is therefore in a sustainable location.

The objections received are noted, however, it is considered that there is no substantive evidence to suggest that the increase in demand by one space would worsen the existing on-street parking provision to the degree that it would directly result in adverse impact on on-street parking, residential amenity or highway safety.

Having regard to all of the above considerations, it is considered that the proposed development would not result in unacceptable harm.

Private Sector Housing

Private Sector Housing raise no objections subject to the rooms achieving a minimum of 6.5sqm. The drawings show that this will be achieved.

Conclusion

The proposal is considered to accord with all of the relevant policies and is recommended for approval, 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 drawing titled 'proposed floor plans', and specification contained therein, submitted on 25th April 2018. **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.
