

Application No: W 12 / 0567

Town/Parish Council: Leamington Spa
Case Officer: David Edmonds

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Registration Date: 21/05/12

Expiry Date: 16/07/12

33 Chandos Street, Leamington Spa, CV32 4RL

Change of Use from Domestic Dwelling (C3) to a HMO with 5 bedrooms (C4).
FOR Mr J Bojesen Jensen

This application is being presented to Committee due to an objection from the Town Council having been received. Members should be aware that the proposal requires planning permission due to the article 4 direction in place.

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Objection because there is no additional off-street parking provided and insufficient on-street parking to service this property as an HMO. In light of the appellants submissions that no future parking provision will be required on or off street, they state that the objection will be withdrawn if the right to a residents parking permit is waived.

Warwick District Council - Private Sector Housing. The sketch plans indicate that the layout is similar to the neighbouring HMO's at no 31 and 35 Chandos Street. The rooms appear to be of adequate size and have adequate bathroom and separate toilets. The property will meet the criteria for HMO licensing and would be suitable for use as a HMO.

Warwick District Council Parking Services. They advice verbally that whilst the demand for off street parking is generally competitive, Chandos Street as a street which has a mixture of use types, does not create exceptional parking demands. Their written views would be reported in the additional observations report.

Warwick District Council Waste Policy Officer: Chandos Street is on a weekly sack collection and an alternate week collection for dry recyclables. The developer needs to demonstrate that there is suitable storage for 6 sacks per week and also storage for the appropriate boxes and bags for recycling.

Neighbours and general public. No objections

RELEVANT POLICIES

- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

In 2008 planning permission was granted at no. 33 Chandos Street for the conversion of the basement to primary living accommodation involving the creation of a light well and rear french doors giving direct access to the rear garden, (application W08/0352/53LB). This appears to have been implemented.

In respect of the adjacent property to the north, no 31 Chandos Street, in 2008, an informal opinion was given that the proposed change of use from a dwelling to a student let was not a development requiring planning permission. This proposal also appears to have been implemented.

In respect of the adjacent property to the south, no 35 Chandos Street, in 2010, planning permission was granted for change of use from a dwelling to a 4 bedroomed HMO. There was no conditions in respect of specific sound insulation for the party walls.

KEY ISSUES

The Site and its Location

The property is a 19th Century three storey terraced townhouse which is set within a terrace of four similar properties fronting the east side of the southern end of Chandos Street. The terrace together with attached railings was listed on 18/8/1980. as grade II. The rear garden of the house has a pedestrian access from an alleyway on Oxford Row. Chandos Street has a mixture of uses including dwellings, sheltered housing, HMO's and commercial uses. The site and surroundings lies within the Leamington conservation area.

Details of the Development

Planning permission is being sought for a proposed to change of use from a dwelling house used by a family which is class C3(a) to a 5 bedroom House in Multiple Occupancy (HMO) and lies within class C4. This proposal has been amended from that originally submitted which was for a 6 bedroomed HMO. The amendment was made on the request of the Council due to the impact of a 6 bed HMO on the integrity of the listed building, specifically the removal of an internal wall to the existing kitchen. The floor plans indicate the rooms would remain the broadly the same size and there would be a communal lounge with access to the garden on the lower ground floor and a communal kitchen on the ground floor.

Assessment

Introduction and policy context

The main issues are:

- Whether the principle of the use on the site is acceptable
- Whether the likely intensification of residential use without on site parking would give rise to unacceptable competition for off road parking which detrimentally affects the safety and convenience of other residents and occupiers
- Whether the proposals for waste disposal are acceptable
- Effect of the proposed use on the living conditions of occupants of neighbouring properties and the future occupants of the application property.
- Whether the proposed development unacceptably harm the integrity of the listed building or the character and appearance of the conservation area.

Principle of use as a HMO

The proposed change of use would result in the most of the group of 4 properties within the terraced row being in HMO use. It is considered this would amount to a very localised concentration which would not significantly affect the mixed character use of the street as a whole. Without specific policies, in place to address the percentages of properties or the number of contiguous properties in HMO use it would be inappropriate to take issue, in principle, with this development. Furthermore, in pragmatic terms, the retention of a dwellinghouse use which have party walls with HMO's on both sides, which appear not to have extra sound insulation, would continue to have implications on the living conditions of the occupants of the dwellinghouse.

Parking situation.

At present the property is part of the residential parking permit scheme which allows for three resident and one visitor permits for the applicant's property within the L2 on street parking zone. Currently there is on street parking available opposite the property, further north on Chandos Street and a number of side streets in the area together with a public car park. The applicant has indicated that they currently have 2 permits. In accordance with the Warwick District Council's Vehicle Parking Standards SPD, a proposed 5 bed property the four bedroom property in its existing use is required to provide 3 parking spaces, based on 1 space per 2 bedrooms rounded up for odd numbers. This compares with 2 parking spaces appropriate for a dwelling of this size. The proposed change of use would result in a need for an increase of 1 parking space. These are maximum standards which are appropriate in most situations unless there are circumstances where lower parking standards are appropriate, e.g. where there would be no adverse impact on the parking situation. Where it would have an unacceptably adverse impact the SPD indicates this can be ameliorated satisfactorily by a Section 106 planning obligation to waive or reduce residents rights to parking permits.

The on-street parking situation in Chandos Street, like most areas around town centres, is competitive, but generally an on-street space can be found, either on the Chandos Street or in other streets in the vicinity and in the L2 parking zone. Also the competition is such that it does not unacceptably effect the safety and convenience of residents and occupiers. The prospective redevelopment of the Chandos Street car park and surrounding areas would add to the parking pressures, but since this has not got planning permission it would be inappropriate for it to be taken into account in assessing the parking situation.

In this context it is not considered there is a need in terms of safety and convenience to secure the prospective waiving of the existing rights to residents parking permits by planning obligation. Also, it is considered to be unreasonable to reduce the existing entitlement to parking permits allocated to the property, notwithstanding that the take up of the permits, is likely to increase slightly with a HMO, compared with a single dwelling use.

Design of the proposed development in relation to the disposal of waste.

As with any change of use from dwellinghouse to HMO, there is an anticipated increase in the amount of waste being produced by the property. Under the current usage the waste bins are stored in the garden at the back of the property. Whilst this would intensify with the implementation of the proposed HMO there is a rear garden, albeit small which would have capacity to store extra waste bins and recycling. Whilst this might reduce the private outdoor space it is not considered that this would unacceptably harm the living conditions of the future occupants. The risk of bins being temporarily stored on the pavement at the front of the property can be address under other legislation.

Impact on the living conditions neighbouring properties of the change of use.

The applicant indicates that the proposed five bedroomed HMO would be used at least partly for student occupation. The main potential impact on the neighbouring properties would be the likely increase in noise that a HMO would produce in comparison to a residential dwellinghouse. This change in noise levels could never accurately be predicted as each HMO noise production would be unique. The adjoining neighbouring properties are already in HMO use. There is scope to address specific noise nuisances arising using environmental health legislation. The potential for the collectively increase in noise levels resulting from an increase in the number of HMO's in this small cluster is not considered sufficient to refuse planning permission using general planning policies.

It is considered that it is appropriate to give some weight to the fact that the living conditions of a dwelling house use adjacent to two HMO's is constrained, such that a further HMO use would be acceptable. The rooms are of adequate space standards and existing accesses are such that it would not result in a demand for internal and external alterations. Private Sector Housing seem broadly satisfied that the property is suitable for use as a HMO.

Change of use of a listed building and impact on the conservation area.

Policy DAP5 of the Warwick Local Plan outlines that a change of use will only be permitted within a listed building where the existing use has been demonstrated to be no longer appropriate or viable. The National Planning Policy Framework (NPPF), paragraphs 132 and 133) indicates that there is a distinction in this assessment between cases where the proposed development would lead to a substantial harm and those which lead to less than substantial harm. It is considered that this amended proposal is such that it would fall into the second category

Although the proposed internal plans are sketchy, it is considered that this change of use will keep the characteristics of the original listed dwellinghouse, since with this amended application there would be no significant alterations will be made to the fabric of the property. The sketchy nature of the plans remain proportionate to the asset's importance and are no more than is sufficient to

understand the potential impact, which is the test in paragraph 128 of the NPPF. Any significant internal alterations would require listed building consent, in any event.

CONCLUSION/SUMMARY OF DECISION

The characteristics of the original listed dwellinghouse will remain unaffected by the change of use will keep the property within the C class of the Use Classes Order. There is also the potential that the property could return to a single dwellinghouse as it appears is the intention of the applicant, when his family are older and would be less disturbed by noise from the adjacent HMO's. Given the property will remain in a residential use and no external alterations are proposed, it is considered that there would be little harm to the character or appearance of the listed building or to the conservation area.

RECOMMENDATION

GRANT, subject to the condition listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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