

Planning Committee: 11 September 2018

Item Number: 10

Application No: [W 18 / 1352](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 13/07/18

Expiry Date: 07/09/18

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Proposed change of use from dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4) (Resubmission of W/17/1539). FOR Mr F Roper

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

This is a resubmission of application W/17/1539 and seeks planning permission for the change the use of the existing 2 bedroomed dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4). No external alterations are proposed.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached dwelling positioned on the south side of Staunton Road. The application site is located within a predominately residential area. There is an Article 4 Direction on the site and wider area which prohibits changes of use of residential dwellings to small Houses in Multiple Occupation (HMO) (C4) without obtaining planning permission.

PLANNING HISTORY

W/17/1539 - planning permission refused for change of use of the existing 2 bedroomed dwellinghouse (Use Class C3) to a small 3 bedroomed HMO (Use Class C4). No external alterations are proposed.

The above application was refused as it was considered to conflict with Local Plan policy H6 (the concentration of HMOs was considered to be more than 10% within a 100 metre radius of the site) and because of a lack of an open space contribution. The subsequent appeal was dismissed by the Planning Inspectorate, however, this was only on the grounds of a lack of an open space contribution.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection, inadequate parking provision will impact on existing street parking; the development would have a harmful impact on neighbouring amenity.

Councillor Gill: Objection if the proposal would result in a concentration of more than 10% of HMO properties within a 100 metre radius of the site.

Private Sector Housing: No objection.

WCC Highways: No objection.

Waste Management: No objection.

12 Public Objections: the proposal breaches the Council's policy on HMOs in terms of the percentage within a 100 metre radius; inadequate parking provision and impact on existing parking stress and highway safety; change of use will set a precedent for similar development; inadequate waste storage; impact on neighbouring amenity (noise disturbance).

ASSESSMENT

The main issues relevant to consideration of this application are:

- Principle of the change of use
- The impact on the amenity of the area and living conditions of local residents
- Waste
- Parking and Highway Safety
- Private Sector Housing
- Open Space
- Health and Wellbeing

Principle of the change of use

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

Policy H6 of the adopted Local Plan states that planning permission will only be granted for Houses in Multiple Occupation 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

There have been objections from members of the public that the proposal breaches the Council's policy on HMOs in terms of the percentage within a 100 metre radius.

a) The existing property is a 2no bedroomed house. This application allows for up to a 3no. bedroomed HMO to be created. Under the previous application for the same description of development, Officers considered that the proposed change of use would take the concentration of HMOs within a 100 metre radius of the site to 10.9%, which is more than the Council's guidance of 10%. However, the Planning Inspectorate for the relevant appeal stated that as one of the properties which had been included as a HMO for the calculation purposes, was not a *lawful* HMO, that this should not have been included.

Taking this approach forward, the existing percentage of HMOs within 100 metre radius of the site is currently 9.09%. The proposed change of use would increase this to 10%. This would therefore meet the requirements of point "a" of Local Plan policy H6 as it does not exceed 10%.

- b) The application property is located within 400 metres of a bus stop.
- c) The property would not sandwich a non-HMO between another HMO.
- d) The change of use would not lead to a continuous frontage of 3 or more HMOs
- e) The property benefits from side access to the rear garden where refuse could be stored out of sight of the general public.

Therefore, the development is considered to comply with adopted Local Plan Policy H6.

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

Policy BE3 of the adopted Local Plan states that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. The Article 4 Direction was put in place and Policy H6 adopted on the basis of evidence which demonstrates that the concentration levels of HMOs within an area contributes to adverse impacts including noise and disturbance, social cohesion and litter.

Leamington Spa Town Council and members of the public have raised concerns that the development would have a harmful impact on neighbouring amenity and that there would be additional noise disturbance.

However, there would be no additional built form as a result of the proposed development and it should be noted that there would only be a net overall increase in the number of bedrooms at the site by one. Given that the concentration of HMOs would be within the limits set by Policy H6, it is therefore unlikely that this would generate additional noise disturbance, litter or hinder social cohesion to an extent which would warrant reason for refusal of the application.

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

Waste

There have been objections from members of the public in relation to a lack of waste storage. However, Waste Management have been consulted and have no objection to the proposal. Adequate waste storage is available to the rear of the site and occupiers would be able to present rubbish on street via the side access to the rear of the site.

Parking and Highway Safety

There have been a number of objections from members of the public and from the Town Council in reference to the increased demand on parking which the change of use will create, which would have a harmful impact on highway safety and existing parking stress. There is no off street parking provided as part of the proposals, however, this is the same as the existing parking arrangement for the property.

The Highway Authority have commented on the application and note that the increase in number of bedrooms from 2 to 3 would generate a slight increase on the demand for on-street parking. They state that there are several local facilities and amenities including bus stops within close proximity of the application site, reducing the need for travel by car. They therefore have no objection to the proposed change of use.

The proposed change of use would not generate any additional parking need in accordance with the Council's adopted Vehicle Parking Standards guidance (both the existing and the proposed use would require 2 spaces). Therefore, whilst the comments from neighbours and the Town Council are acknowledged, as there would be no increased parking demand, Officers have no reason to refuse the

application on this basis. The proposal is therefore considered to be in accordance with Local Plan policy TR3 and the adopted relevant guidance.

Private Sector Housing

Private Sector Housing have no objection to the proposed development and note Building Regulation requirements which would be dealt with at a later stage by Building Control.

Open Space

The previous application was refused partly because of a lack of open space contribution. However, since this decision, the Council now only requires open space contributions for applications which create 11 dwellings or more. Therefore, no open space contribution would be required for the proposed change of use.

Health and Wellbeing

There are no health and wellbeing benefits identified.

Conclusion

It is considered that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and would not have a harmful impact on neighbouring residential amenity. The proposal provides adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, the proposed change of use should be approved.

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 Proposed Plan, and specification contained therein, submitted on 13th July 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.
