

**Planning Committee:** 16 August 2023

**Item Number:** 9

**Application No:** [W 23 / 0760](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Millie Flynn

01926456140 millie.flynn@warwickdc.gov.uk

**Registration Date:** 24/05/23

**Expiry Date:** 19/07/23

**38 Cobden Avenue, Leamington Spa, CV31 1YF**

Change of use from 4 bed dwellinghouse (Use Class C3) to 4 bed House in Multiple Occupation (Use Class C4) FOR Andrew B. Grudzinski

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This application is being presented to Planning 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.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the change of use of the 4 bed dwellinghouse (Use Class C3) to a 4 bed House in Multiple Occupation (HMO) (Use Class C4).

**THE SITE AND ITS LOCATION**

The application site relates to one half of a pair of semi-detached dwellings located on the south side of Cobden Avenue in a predominantly residential area. The property has a vehicular access and parking to the front.

**PLANNING HISTORY**

No relevant planning history.

Whilst not directly related to the application site, it should be noted that permission was granted by Planning Committee for a similar application at No.17 Cobden Avenue in 2018:

W/18/0854 - Change of use from single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) - Granted by Committee, June 2018.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity

- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS4 - Housing Character Outside the Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

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

**WDC Waste Management:** No objection.

**Private Sector Housing:** No objection.

**Public Responses:** 7 objections received on the following grounds:

- The property/bedrooms sizes are too small for a HMO.
- The proposal will cause noise and disruption, which will impact neighbouring properties.
- Impact on parking
- Unsuitable location

## **ASSESSMENT**

The main issues relevant to the consideration of this application to change the use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 unrelated persons (Use Class C4) are:

- 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 of Development

Officers need to consider 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.

#### H6 Assessment:

- a). Within a 100-metre radius there is 1 existing HMO out of 143 residential units. The existing concentration level is at 0.7%. The addition of one further HMO would increase the concentration of HMOs to 1.4% which is below the 10% limit of HMOs within a 100-metre radius.
- b). The nearest bus stop is located on Chesterton Drive which is within 400 metres walking distance of the property.
- c). The proposal does not sandwich a non-HMO between 2 HMOs.
- d). It does not lead to a continuous frontage of 3 or more HMOs.
- e). The property would remain on the same waste collection as current. The containers would therefore be stored in an area not visible by the general public and the bins would be moved outside on collection day.

The objections received are noted. However, the proposal is considered to comply with all the criteria contained within Policy H6 of the Local Plan and will not lead to an over concentration of HMOs within the area, which would cause demonstrable harm to the more settled residents of the area through increased noise and anti-social behaviour and is therefore considered acceptable in principle.

#### Impact on the Street Scene

The development does not include any external alterations and so would not have any impact on the character of the street scene.

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

#### Impact on neighbouring properties

Objectors raise concern regarding the noise and disruption cause by the change of use and the impacts this will have 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.

Policy BE3 also 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 to Policy H6 demonstrated that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in nighttime noise and disturbance. The existing area has a very low concentration of HMOs and therefore one additional HMO will not result in material harm to local residents.

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 also provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space.

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

#### Parking & Highway Safety

Objections have been received in regard to the impact an increased number of cars will have on the surrounding area.

In accordance with the Council's Parking Standards SPD, the existing parking requirement for a 4-bedroom house is 3 spaces and the requirement for the proposed 4 bed HMO would be 2 off road car parking spaces. The proposed change of use would therefore not result in an increase in the requirement for parking compared to the existing lawful use as a 4-bedroom dwelling.

Therefore, the proposal complies with Local Plan Policy TR3 of the Local Plan and the associated SPD.

#### Other Matters

Objections raise concern regarding the suitability/size of the property for the use of a HMO.

Private Sector Housing have raised no objections as long as the rooms can achieve a minimum of 6.5sqm, which is shown to be achieved on the proposed drawings.

### **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. There would be no increased demand for parking as a result of the change of use. 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) 2306/1/A, and specification contained therein, submitted on 4th July 2023. **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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