

Planning Committee: 31 January 2017

Item Number: 11

Application No: [W 16 / 2169](#)

Town/Parish Council: Leamington Spa

Registration Date: 12/12/16

Case Officer: Reddy Nallamilli

Expiry Date: 06/02/17

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66 Radford Road, Leamington Spa, CV31 1JG

Retrospective application for change of use from C3 (Dwelling House) to C4 (Small HIMO) FOR Mrs J George

This application has been requested to be presented to Committee by Councillor Barbara Weed and more than 5 letters of objection have been received.

RECOMMENDATION

Planning Committee are recommended to grant retrospective planning permission subject to the condition listed at the end of the report.

DETAILS OF THE DEVELOPMENT

This application seeks to regularize a change of use from a dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4) accommodating 4 residents.

The submitted details indicate the following layout;

Ground floor: lounge, dining room, hall and kitchen

First Floor: 3 separate bedrooms, bathroom, shower room and study

Lower ground floor: bedroom with an en-suite and storeroom

THE SITE AND ITS LOCATION

This application property forms one half of a traditional pair of semi-detached dwellings. The premises are set back from Radford Road and sited between its junctions with St. Marys Rd and St. Marys Crescent. The wider area is predominantly residential in character.

PLANNING HISTORY

88 Radford Rd

20 May 2014. Planning permission refused for a change of use of a dwelling house to a HIMO at 88 Radford Rd for the following reason

The proposals would cause unacceptable harm to the living conditions of nearby residents by exacerbating the concentration of HMOs and student accommodation in this area which will lead to an increase in the problems associated with concentrations of such uses. In reaching this conclusion, significant weight has been attached to the contents of Appendix 1 of the report on the Article 4 Direction which provides a detailed assessment of the problems associated with the concentration of student accommodation in Leamington. The proposals are therefore considered to be contrary to the aforementioned policies.

Subsequent appeal dismissed, the Inspector did not consider that there was a convincing reason to allow an exception to the policy.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council-Objection The Town Council wishes to raise an objection to this application on the following grounds:

The application exceeds the Article 4 Direction planning policy (not more than 10% of properties within a 100m radius should be HMOs).

The use of the property as an HMO necessarily produces more rubbish, and poor rubbish disposal and casual littering is already a serious issue on Radford Rd.

Parking is very difficult outside this property and the neighbouring properties with cars already being parked on the pavement itself due to not being able to be parked along the roadside. This then leads to the issue of endangering highway safety for other car users and pedestrians.

This application adds to the excessive number of HMOs and the continuing reduction in family homes available in a street which has predominantly residential use. This leads to a reduction in property care and maintenance which worsens the local environment and has an increasingly negative impact on the Conservation Area.

Leamington Society: Object to the proposal primarily on the grounds of the issues that arise from such uses which include the amount of rubbish generated that be generated, inadequate parking facilities, displacement of family accommodation, late night noise and conflict with existing policy guidance.

Private Sector Housing: No objection

Public Response: 18 letters of objections have been received. These objections can be summarised as follows;

- Proposal would set an undesirable precedent if permitted and undermine the purpose of the Article 4 Direction;
- Existing HIMOS in the locality have led to anti-social behaviour, general noise and disturbance and an accumulation of rubbish;
- Inadequate parking provision exists leading to excessive number vehicles utilising an already busy Radford Road;
- Applicant can't control the type of person or tenants occupying the property and would lead to an "over - studentification" of the locality;
- Such properties should be retained as family dwellings;
- Proposal should be refused purely on the grounds that it exceeds the 10% threshold;
- Owners of the property have gained financially without the benefit of planning permission;
- Proposal conflicts with the existing planning policies, there is already a concentration of such uses in the locality;
- The appeal decision relating to 88 Radford Road supports local residents concerns.

A separate letter has been received from Councillor Colin Quinney who supports his constituents objections which are set out above.

Councillor Barbara Weed has requested that the application be determined by the Planning Committee, if the recommendation is for approval.

KEY ISSUES

Assessment

Applications for conversions to houses in multiple occupations are required to be assessed against the National Planning Policy Framework, saved Policies set out in the Warwick District Local Plan 1996-2011 as well as Policy H6 of the emerging Draft Local Plan 2014.

The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, and outlines that there are three dimensions to sustainable development namely economic, social and environmental. The social role relates to the need to support strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations. It advocates planning for a mix of housing based on demographic trends and the needs of different groups in the community and that consideration should be given to identifying, the size, type, tenure and range of housing that is required in particular locations

The key issues relevant to the consideration of this application are as follows:

- 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 occupiers;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;

Issue 1: Whether the proposals would cause an harmful over-concentration of HMO accommodation in this area

The application property is covered by an Article 4 Direction which restricts changes of uses falling within Class C4 Houses in Multiple Occupation (HMOs). This Article 4 Direction was placed by the District Council following concerns raised by the local community regarding the concentration of HMOs in the Town particularly those occupied by students.

Objections have been raised to the principle of the existing HMO use at this property. Saved Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The new Emerging draft Local Plan 2014 includes Policy H6 Houses in Multiple Occupation and Student Accommodation. The Policy states that planning

permission will only be granted for Houses in Multiple Occupation, including student accommodation 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 the total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop, and;
- c) the proposal does not result in a non-HIMO being sandwiched between 2 HIMO'S;
- d) The proposal does not lead to a continuous frontage of 3 or more HIMO's 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 a collection point along an external route only.

Assessment of above criteria

a) 9 HIMOs excluding the application property have been identified within a 100 metre radius of the application site.

The proportion of HIMOs including the application property to residential premises would equate to a 10.3% concentration. The proposal therefore marginally exceeds the threshold criteria of a 10% concentration within a 100 metre radius of the application property.

Objectors to the current application have referred to the outcome of an appeal decision in 2015 for a change of use to a small HIMO at 88 Radford Rd. That appeal was dismissed. It is worth noting with that particular proposal, the proportion of HIMOs within a 100m radius of the housing property represented 13% of the local housing stock. In that appeal decision, the Inspector noted that the existing policy did not seek to "promote a blanket prohibition on further HMO'S in the area". In this particular case the Inspector recognised that the Council "provided substantial evidence to demonstrate that the general erosion in the quality of life of long term local residents in those areas of the Town where sizeable concentrations of student HIMOs arise." Furthermore the introduction of the of a large number of HMOs into residential areas generally leads to a general reduction in property care and maintenance ... and poor regard for refuse management." For the reasons outlined above the Inspector did not feel that there was a convincing reason to allow an exception to the policy in that instance.

The purpose of the emerging local plan policy is to primarily control the location of new HIMOS to prevent local conditions being exacerbated through existing concentrations and preventing new local concentrations occurring. It has provision within it to allow for such proposals where it can be demonstrated that the use as a HIMO would not adversely impact on existing residential amenity.

Notwithstanding the objections raised, the current proposal represents an increase to 10.3% and therefore marginally exceeds the 10% criteria. It is also

noted that there is no evidence that since the use of the application property as a small HIMO commenced that it has resulted in any particular complaints being generated in terms of anti-social behaviour, parking or refuse storage problems. The objections received do not specifically relate to this property as causing the type of problems identified by HIMOs.

Whilst the loss of the dwelling is regrettable, it is concluded that the proposed HIMO use does accord with the main thrust and principles of the existing relevant HIMO Policy and would not lead to any identifiable demonstrable harm or contribute significantly to an existing over-concentration of HMIOs within the locality to such an extent as to prevent the retrospective planning permission being granted.

b) The property is situated on a public transport corridor.

Sufficient adequate bus facilities and local shops/services exist within reasonable walking distances. There is a bus stop immediately outside the application property.

c) Dwelling situated between two HIMO's

The proposal would not result in an existing family dwelling being situated between two HIMO's. The nearest HIMO on Radford Rd is located at No. 60.

d) Continuous frontage of 3 or more HIMO's

The proposal would not lead to a continuous frontage of 3 or more HIMOs.

e) Refuse Facilities

The current arrangements are that a grey wheelie bin, a green wheelie bin and a red recycling boxes are provided at the property. These are stored in the rear garden and brought to the front by the side path on collection days.

Issue 2: The impact on the amenity of the area and living conditions of local residents.

It is recognised that there is a particular concentration of HIMOs in South Leamington, the effect of which can result in alleged problems associated with noise and anti-social behaviour, increased crime, impact on the physical environment and pressure on spaces for on-street parking amongst other issues.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2014 state development or change of uses will not be permitted which has an unacceptable impact on the occupiers of nearby occupiers.

The applicant states that the property was used primarily as a family residence between 2001 to 2012. The property has subsequently been rented out since February 2012 when the applicant moved out. The property is currently occupied by 4 separate individuals from a professional background.

The potential cumulative impact from such uses and the concerns of local residents on this issue have been carefully considered. However on this occasion there is no particular evidence to indicate that this existing small HIMO has caused any specific concerns or added significantly to any harmful over-concentration of HIMOs in this area sufficient to justify refusing planning permission. Therefore it is considered that the cumulative impact on the living conditions of neighbouring occupiers arising from this proposal would be negligible. Whilst the immediately surrounding area is residential in character, the proposal would not necessarily have a significant damaging impact on its residential surroundings. The property is sited along a major route way with associated higher ambient noise levels from traffic which would be prevalent in the late evening. It is not considered that the proposal is likely to lead to such an extensive increase in activity on nearby residential roads to lead to a significant nuisance occurring to the detriment of local amenities.

In summary on this issue, it is not considered that the proposal would lead to such an unacceptable disturbance for existing local residents to withhold planning permission.

Issue 3: Impact on the character and appearance of the Conservation Area

The property is a semi-detached domestic scaled dwelling located within the Leamington Spa Conservation Area. Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out a general duty which specifically applies to conservation areas and states in particular that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework advises that the level of detail provided should be proportionate to the assets importance. Saved Policies DAP8 & DAP9 seek to ensure that the new development in Conservation Areas is carried out sympathetically and that it makes a positive contribution. The Conservation Area is noted for its important mix of buildings, tree lined avenues, mature gardens. The National Planning Policy requires all development to respect surrounding buildings in terms of scale, height, form and massing. The proposed change of use would not harm the character and appearance of the Conservation Area.

Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. The proposal does not include any external alterations and involves a residential use and it not considered that the use will harm the character and appearance of the Conservation Area.

Issue 4 Car parking and highway safety

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The SPD requires HMOs to provide one car parking space per two bedrooms. The proposal therefore requires two car parking spaces as does the former use of the property as a dwelling house. None of the properties along this frontage have specific off street parking spaces available. The pavement outside these properties is a wide and is utilised for parking. The existing use as a dwelling currently does not offer any of street parking facilities. Therefore, there is no additional net requirement for parking and the proposal complies with the relevant policies. Adequate circulation space exists for pedestrian movement. In these circumstances it would be difficult to sustain a refusal based on highway related matters.

Renewables

It is considered that the change of use would not have any additional demand on energy requirements and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Summary/Conclusion

This proposal would result in a concentration of HMOs slightly above the 10% threshold. However in the particular circumstances of this case, there is no specifically identifiable demonstrable harm from this existing use of the premises to justify a refusal of planning permission. For these reasons the proposal is considered to comply with the thrust of the general aims and objectives set out in emerging Draft Local Plan 2014 and more specifically Policy H6 and the National Planning Policy Framework.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved "floor plans", and specification contained therein, submitted on 11 December 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
