Planning Committee: 20 June 2017 **Item Number:** **14**

Application No: W 17 / 0710

Registration Date: 26/04/17
Town/Parish Council: Leamington Spa **Expiry Date:** 21/06/17
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

88 Westlea Road, Leamington Spa, CV31 3JE
Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis) FOR Mr. A. Dhesi

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

RECOMMENDATION

Planning Committee are 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 a change of use of an existing 6 bed HMO (Use Class C4) to 7 bed house in multiple occupation (Sui Generis). No external alterations are proposed and the scheme would make use of an existing store to provide a bedroom. The agent has shown three off street car parking spaces to the front of the property.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached dwelling with off street parking to the front of the property. The application site is positioned to the north east of Westlea Road which is in a predominately residential area, with a community centre nearby to the site.

PLANNING HISTORY

W/03/1968 - application granted for alterations to roofline to provide additional room in roofspace.

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)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (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, concern regarding the size of the communal area, the bedroom to the second floor is more than one floor away from the communal area and the proposed bedroom is too small.

Private Sector Housing: No objection, the increased occupancy will require additional cooking facilities which are due to be installed in August.

Waste Management: No objection.

Open Space: No objection, subject to provision of £842 towards the improvement of local open spaces.

WCC Highways: No objection, subject to condition.

Public Response: 4 objections received on grounds of: the proposed additional bedroom size, insufficient parking, waste disposal, lack of maintenance of the property and potential for anti-social behaviour.

ASSESSMENT

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

- Principle of the Development - whether the proposals would cause or add to a harmful over-concentration of HMO accommodation in this area
- Living conditions of the occupiers
- Car parking and highway safety
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

Emerging Local Plan Policy H6 for Houses in Multiple Occupation 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 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 HMO's;
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.

As this property is already a registered HMO, and the application purely seeks to add one bedroom to the property, there would be no increase in the proportion of dwelling units within a 100 metre radius of the application site. However, in the interests of clarity, the calculation of the proportion of dwelling units in multiple occupation was calculated, and is 5.9%. The proposed development will not increase this.

Furthermore, the property is located within 400 metres of a bus stop, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

Waste Management have no objection to the proposal and note that the property is already serviced with a grey bin and alternative week collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and emerging local plan Policy H6.

Living conditions of occupiers

There have been four public objections and an objection from the Town Council regarding the size of the proposed additional bedroom. Furthermore, the Town Council have concerns regarding the size of the communal area and that the bedroom to the second floor is more than one floor away from the communal area. However, Private Sector Housing have been consulted and are satisfied

with the proposal, including the internal arrangements. They note that the increased occupancy will require additional cooking facilities which are due to be installed in August and that the room size is sufficient. The room size has been confirmed as 6.72sqm and therefore, this exceeds the Council's minimum requirement of 6.5sqm.

The development is therefore considered to provide adequate living conditions for the future occupiers of the additional bedroom in accordance with adopted Local Plan Policy DP2.

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 agent shows three off street car parking spaces in front of the application property, however, the requirement when considering the increased number of bedrooms would be 4 spaces for this size HMO. There has been concern shown from local residents and a Councillor that there is insufficient parking provided by the development and that on street parking can sometimes be difficult, particularly as the nearby Community Centre attracts a lot of visitors.

The Highways Authority have made two site visits to the application site, one during the day and one during the evening. They note that currently, only one parking space is available within the site boundary which would be in accordance with the Council's adopted Vehicle Parking Standards. However, three spaces could be accommodated to the front of the application property if the lamp column currently positioned in front of the application site is moved. Therefore, there would be an increase of one parking space required within the street. WCC Highways concluded that if the lamp post is relocated at the expense of the applicant which can be secured by condition, then the additional one parking space required could be accommodated on street, without a detrimental effect on pedestrian and highway safety.

It is therefore concluded that the proposed development would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and that the development accords with adopted Local Plan policy DP6.

Sustainability

Due to the limited scale of the development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO^2 production through a fabric first approach would not be appropriate.

Open Space

The Open Space team have no objection to the proposed development, subject to contribution of £842 towards local open space improvements. It is likely that

the funds will be put towards Victoria Park, relating specifically to landscaping and biodiversity improvements. Currently, there are no Section 106 agreements in place to secure improvements to Victoria Park which scored only "average" in a number of aspects in the latest Parks Audit. This can be secured by condition.

Ecological Impact

No issues.

Health and Wellbeing

The proposal will provide an additional bedroom to an existing HMO which contributes towards the health and wellbeing agenda through the provision of additional accommodation.

Other Matters

Public objections have also expressed concerns regarding the lack of maintenance of the application property and potential for anti-social behaviour. However, the maintenance of a property is not a material planning consideration and the Council has no evidence to suggest that an increase in one bedroom to this existing HMO would be likely to lead to an increase in anti-social behaviour.

CONCLUSION

The proposed additional bedroom to the existing HMO within this area adheres to the criteria set out within the emerging Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking arrangements, subject to a condition to move the existing lamp post to the front of the application site, are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

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 2148/1, and specification contained therein, submitted on 19th April 2017. **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.

3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 The development shall not be used for the purpose hereby permitted until the Highway Lamp Column has been relocated to a location agreed by the Highway Authority. **REASON:** To ensure the provision of adequate off street parking, the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.