Planning Committee: 19 July 2022 **Item Number:** 13

Application No: W 22 / 0653

Registration Date: 14/04/22
Town/Parish Council: Leamington Spa **Expiry Date:** 09/06/22
Case Officer: Rebecca Compton
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35 Southway, Leamington Spa, CV31 2PG
Change of Use from 3 bed dwellinghouse (Use Class C3) to a 4 bed House in Multiple Occupation (HMO) (Use Class C4) (retrospective application) FOR Ms Ghaffar

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

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 retrospective planning permission for a change of use from a 3 bed dwellinghouse (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4).

THE SITE AND ITS LOCATION

The application site relates to a two-storey semi-detached dwelling located on Southway, Leamington Spa.

PLANNING HISTORY

None relevant.

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)
- Royal Leamington Spa Neighbourhood Plan 2019-2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object due to lack of a parking survey and on-street parking being an issue for the local area.

WDC Private Sector Housing: Provided advice on room size requirements, kitchen requirements and fire safety requirements.

Cllr Jonathan Chilvers: Objects due to concerns over parking and lack of detail regarding waste storage.

Public Response: 6 objections have been received on grounds of parking.

ASSESSMENT

Whether the proposal 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.

Assessment:

a). Within a 100-metre radius there are 6 existing HMOs out of 123 residential units. The existing concentration level is at 4.9%. The addition of one further HMO would increase the concentration of HMOs to 5.7% which is below the 10% limit of HMOs within a 100-metre radius.
b). The nearest bus stop is located on St Margaret's Road which is within 400 metres walking distance of the property.
c). The existing property does not sandwich a non-HMO between another HMO.
d). The proposal does not lead to a continuous frontage of HMOs.
e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

The development meets the requirements of Local Plan policy H6 and is therefore considered acceptable.

Impact on the Street Scene

The development does not include any external alterations and would therefore 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.

Amenity

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. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations and therefore does not have a material impact on neighbouring residential amenity.

The proposed HMO would provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space and space for refuse storage

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

Parking & Highway Safety

In accordance with the Council's adopted Parking Standards SPD, the parking requirement for the 3-bedroom house is 2 spaces and the requirement for the 4 bed HMO is also 2 spaces. As such there is no requirement for additional parking to be provided and the proposal will not impact on highway safety or residential amenity.

8 objections have been received as well as an objection from the Town Council on grounds of lack of parking in the area. Objectors state that existing local residents struggle to park in the area and the change of use will exacerbate parking stress in the area. Several objectors have requested the applicant undertakes a Parking Survey to demonstrate capacity on street.

While the concerns regarding on-street parking are noted and understood, it is considered unreasonable for officers to require a Parking Survey given that the existing and proposed requirements for parking are the same, in accordance with the Parking Standards SPD. Officers also consider it would be unreasonable to refuse planning permission on these grounds.

In consideration of the local objections received and that parking for the majority of properties along Southway is currently on-street, officers consider it reasonable to restrict the number of bedrooms to 4 to ensure the parking requirement remains the same as the existing and does not add to the parking demand on-street. Should the applicant wish to increase the number of bedrooms in the future

which would increase the requirement for parking, Officers would require a Parking Survey to be submitted with a to demonstrate sufficient capacity on-street.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other Matters

Private Sector Housing have provided advice on the minimum room sizes which the property would comply with, they have also advised on the facilities that the kitchen will require which will be added as an informative note. They have noted that the property would require fire precautions to LACORS standards. This will be added as an informative note.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity. There would be no increased demand in 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 be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plan, and specification contained therein, submitted on 19th April 2022 **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.

2 The total number of bedrooms shall not exceed 4. **REASON:** To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.