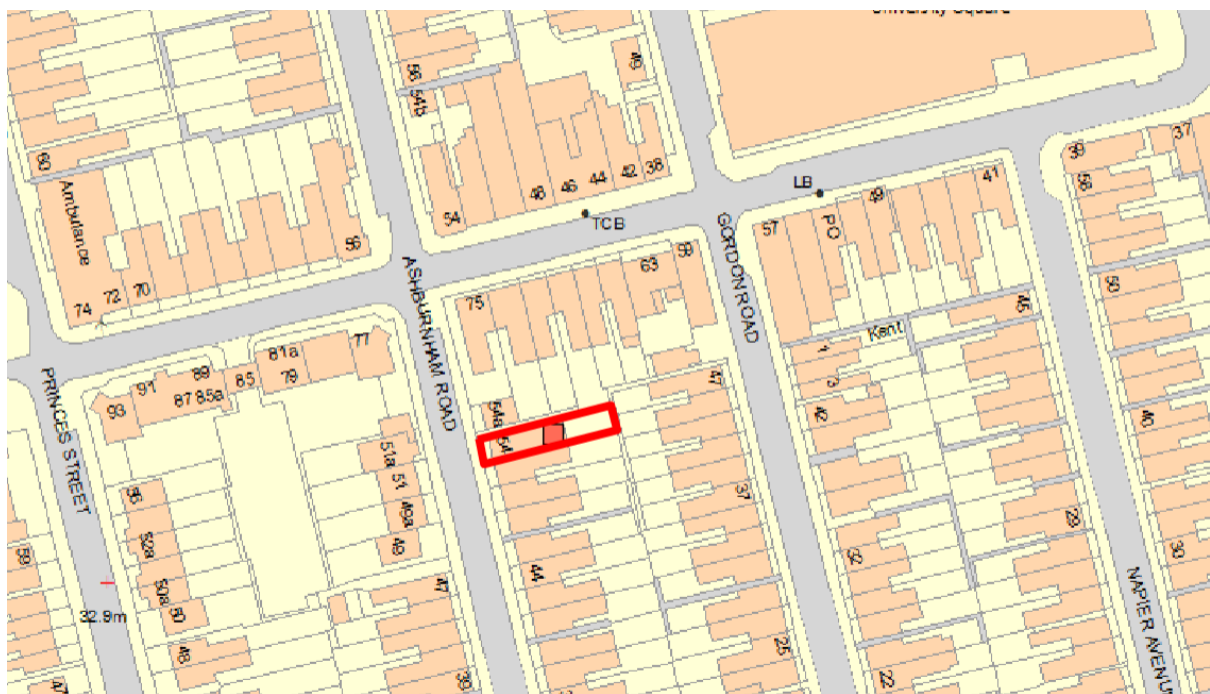


Reference:	17/00589/FUL
Ward:	Milton
Proposal:	Convert existing five bedroom HMO (Class C4) to a seven bedroom HMO (Sui Generis) and install cycle racks
Address:	54 Ashburnham Road, Southend-On-Sea, Essex, SS1 1QD
Applicant:	Mr Martin Saunders
Agent:	N/A
Consultation Expiry:	02/05/17
Expiry Date:	30/05/17
Case Officer:	Ian Harrison
Plan Nos:	001, Location Plan and Site Plan/Block Plan.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought for the conversion and adaptation of the existing five bedroom HMO (Use Class C4) to enable the formation of a seven bedroom House in Multiple Occupation (HMO) falling outside of the defined use classes (Sui Generis use).
- 1.2 The application site measures 5.2 metres by 27.5 metres and includes a two storey building. The main part of the existing building measures 5.2 metres by 7.8 metres with a two storey rear outrigger that projects by 7.5 metres and measures 3.4 metres wide. Ground floor projections extend 3 metres further to the rear and 1.8 metres to the side of the outrigger.
- 1.3 The submitted plans show works of internal alteration but no external alterations to the existing building. The building would be adapted to contain seven bedrooms measuring between 8.5 and 14 square metres, a kitchen and seven bathrooms/en-suites.
- 1.4 The applicant has stated that parking for seven bicycles will be provided at the rear of the site within a 53 square metre amenity area. No off-street car parking would be provided.
- 1.5 This application follows the refusal of similar application 17/00025/FUL for the following reason:
 1. The proposed residential accommodation would not be of adequate design, internal size or layout to provide an adequate standard of accommodation for future occupants to the detriment of their amenities and would be contrary to the National Planning Policy Framework (2012) and policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

2 Site and Surroundings

- 2.1 The application site is located to the east of Ashbunham Road. The size and details of the application site are described above.
- 2.2 The surrounding buildings are used for residential purposes and include buildings of similar scale to the dwelling at the application site.
- 2.3 The site is not the subject of any site specific planning policies.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, the design and impact on the character of the area, the impact on residential amenity, the amenities of future occupiers and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP4, CP6 and CP8; Development Management DPD Policies DM1, DM3 and DM8.

- 4.1 The development plan contains no policies that specifically relate to Houses in Multiple Occupation. The National Planning Policy Framework states that where the development plan is silent the general presumption in favour of sustainable development means that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 4.2 The building is located within an area of mostly residential uses. The Council’s records indicate that there are no licensed HMOs within the immediate vicinity of the application site with the closest being 20 Westcliff Avenue, approximately 100 metres (as the crow flies) to the west of the application site. It is not possible to know how many small HMOs exist that would not require planning permission or a licence. In this instance it is considered that there is no basis to conclude that the proposed change of use would result in the clustering and overconcentration of HMOs within the vicinity of the site. It is noted that the Milton ward has a large share (35 of 74) of the licensed HMOs in the Borough, but none of these are within the immediate vicinity of the application site.
- 4.3 It is considered relevant to note that the Local Planning Authority has recently lost appeals relating to the overconcentration of Houses in Multiple Occupation, both of which are within the Milton Ward but would not yet appear in the list of licensed HMOs that is discussed above. In both cases (49 Milton Road and 70 Heygate Avenue) the Inspector ruled against the reasons of refusal that related to *“an overconcentration of HMOS which would have been detrimental to the overall character of the area and residential amenities”*
- 4.4 It is also considered relevant to note that the building could be used as a six person HMO without needing planning permission. This is a fallback position of significant relevance to this application.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4 Development Management DPD policies DM1 and DM3 and the Design and Townscape Guide.

- 4.5 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF, policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management (DPD2). The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

4.6 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

4.7 No external alterations are proposed to the existing building and it is therefore considered that the proposed change of use of the existing building would cause no harm to the character or appearance of the site or the surrounding area.

4.8 Indicative details of the proposed cycle store state that it will measure 1.8 metres wide, 1 metre deep and 0.7 metres high. The cycle store would be provided at the rear of the site (accessed from the alleyway at the side of the existing building) and would therefore be masked from the public domain by the existing buildings and boundary treatments of the site and the surrounding area. Further details of the cycle storage facilities can be sought and agreed through the imposition of a condition, but on the basis of what has been submitted it can be assessed that the cycle parking will have no harmful visual impacts.

4.9 As above, it is considered relevant to note that the appeals at 49 Milton Road and 70 Heygate Avenue referred to an alleged impact of HMOs on the character of the area. In both cases the Local Planning Authority the appeals were allowed and it is therefore considered that it would be improper to resist this application on those grounds, especially as no alterations are proposed to the existing building and the cycle store would be located at the rear of the site.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3, CP4; DPD2 (Development Management) Policies DM1, DM3 and DM15.

4.10 Policy DM15 states that *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”* There are no defined parking standards for House in Multiple Occupation accommodation.

4.11 The application site is located within the Southend Central Area, within walking distance of sustainable transport connections (rail stations and bus stops of London Road), Southend town centre, schools, medical, leisure and community facilities and services. It is therefore considered that the site is in a reasonably sustainable location.

- 4.12 It is considered that there may be some car ownership amongst the occupants of the proposed building and noted that the proposal includes no provision for any car parking, thereby inevitably leading to on-street parking occurring. However, there are no parking standards for a House in Multiple Occupation and it is recognised that the use of this site for residential use would have generated parking. From this basis it is considered that it is not possible to justify refusing the application on the grounds of the lack of parking at the application site.
- 4.13 The building could be used as a six person HMO without needing planning permission which provides a fallback position of some relevance to this proposal. It is considered that the additional parking demand for this proposal for a seven bedroom HMO would not give reasonable grounds to refuse the application.
- 4.14 The recently refused application at 49 Milton Road included a reason for refusal that related to the inadequate provision of parking. The Planning Inspector deemed that this should not be a reason for refusal in that location.
- 4.15 A location for cycle parking is shown on the submitted plans which meet the requirements of policy DM15. Although not immediately adjacent to the units that would be served by the cycle parking, it is considered that the cycle parking facilities would be adequately accessible to enable use.

Impact on Residential Amenity:

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4, policies DM1 and DM3 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.16 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.17 No extensions or alterations are proposed to the existing dwelling and the cycle store would not be visible above the boundary treatments. The development would therefore have no impact on the light, privacy or outlook of neighbouring properties that would justify the refusal of the application.
- 4.18 As above, it is considered relevant to note that the appeals at 49 Milton Road and 70 Heygate Avenue referred to an alleged impact of HMOs on residential amenities. In both cases the Local Planning Authority referred to the impact of the use on the general amenity of the area. The appeals were allowed and it is therefore considered that it would be unreasonable to resist this application on those grounds.

- 4.19 The more intensive use of the building would result in more instances of people looking out towards neighbouring properties. However, as the building could be converted to a six person HMO with the windows being utilised to a comparable level, it is considered that the proposal would not cause a loss of privacy or additional overlooking to an extent that would be materially worse than the fallback position. It is therefore considered that the application should not be refused on those grounds. Moreover it is considered that the proposal would not cause material impacts on the amenities of neighbouring residents in terms of noise or general disturbance.

Living Conditions for Future Occupiers

National Planning Policy Framework, Southend-on-Sea Core Strategy policies KP2 and CP4 and Development Management Document policies DM1, DM3 DM8.

- 4.20 A core principle of the National Planning Policy Framework is that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”* Moreover Policy DM1 states that development should *“Provide an internal and external layout that takes account of all potential users.”* As the proposal relates to the change of use of a single dwelling to a more intensive use, it is considered appropriate to apply weight to policy DM3 which states that *“the conversion of existing single dwellings into two or more dwelling will only be permitted where the proposed development....does not adversely impact upon the living conditions and amenity of the intended occupants.”*
- 4.21 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation. These standards indicate that bedrooms for one person should measure at least 8.5 square metres and rooms for two people should measure at least 12 square metres. The previous application at this site was accompanied with inaccurate plans that did not meet these standards.
- 4.22 The standards also contain specifications with respect to sanitary installations requiring the provision of two wash hand basins, two toilets and two bathrooms which must contain a shower or bath. An en-suite is provided for all but one of the rooms and an additional bathroom is provided. These would be of adequate size and therefore the previous concern about the inadequacy of the sanitary conditions has been addressed.
- 4.23 The abovementioned standards set out that a HMO with between six and ten occupants should be served by two kitchens or one kitchen of at least 18 square metres. The proposed kitchen would measure 12 square metres and would therefore be below the indicated standard. However, as this is the only shortcoming of the proposed accommodation and given that the abovementioned standards are not planning standards and should be given weight accordingly, it is considered that the application should not be found unacceptable solely due to the size of the kitchen.

- 4.24 Although the adequacy and fitting out of the proposed House in Multiple Occupation is a matter for assessment by the Private Sector Housing Team, it appears that the layout of the building would be able to accord with the abovementioned standards in most respects and therefore the development can, on balance, be found acceptable.
- 4.25 It is noted that the side facing window of Bedroom 5 has a limited outlook that is restricted by the neighbouring dwelling. However, as this is no different to the existing situation it is considered that the poor outlook for the occupant of that room should not represent a reason for the refusal of the application. Similarly, the outlook for bedrooms 6 and 7 would be restricted by the fencing to the north of the site. Although the living conditions for those occupants would be restricted, it is considered that the impact would not be such to justify the refusal of an application on that ground.
- 4.26 It is considered that there is scope for a refuse storage area to be provided at the site under the terms of a condition.
- 4.27 For the reasons set out above, it is considered that the standard of amenity for future occupants of the building would be acceptable and therefore the application should not be refused.

Community Infrastructure Levy

- 4.28 A Large HMO falls outside of Use Classes C3 and C4 and is therefore considered to be a Sui Generis Use. At other sites, it has been assessed that the use is residential in character and therefore the change of use from a small HMO falling within Use Class C4 to a large HMO would not represent a CIL liable change of use.

5 Conclusion

- 5.1 It is considered that there are no grounds to object to the principle of the proposed development, the visual impact of the development, the lack of parking provision or the impact on neighbouring residents. It is considered that the standard of the accommodation provided would be adequate in most respects and therefore the application should not be refused.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.6 Community Infrastructure Levy Charging Schedule.

Representation Summary

Public Sector Housing

- 7.1 No comments have been received at the time of writing.

Highway Authority

- 7.2 No comments have been received at the time of writing.

Public Consultation

- 7.3 18 neighbouring properties were notified of the application. No letters of objection have been received.
- 7.4 The application has been called in to the Development Control Committee by Cllr J. Garston.

8 Relevant Planning History

- 8.1 Application 17/00025/FUL proposed a similar development and was refused for the reason set out above.

9 Recommendation

9.1 GRANT planning permission subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 001, Location Plan and Site Plan/Block Plan.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03. Before the occupation of the development hereby approved, details of the provision of cycle storage at this site shall be submitted to and approved by the local planning authority. The cycle parking shall subsequently be provided in accordance with the approved details prior to the first occupation of the development and be retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04. Before the occupation of the development hereby approved, details of the provision of refuse storage facilities at the site (including day-to-day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided prior to the occupation of the development and be retained in perpetuity thereafter.

Reason: To safeguard the amenities of the future occupants of the proposed HMO and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05. The building shall not be adapted to enable the formation of more than 7 bedrooms and shall not be occupied by more than 8 people at any one time.

Reason: To clarify the terms of the permission and enable the suitable consideration of any intensification of the use of the site.

Informatives

1. You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

2. Please refer to www.southend.gov.uk/hmolicence for further guidance with respect to the license requirements for a HMO.