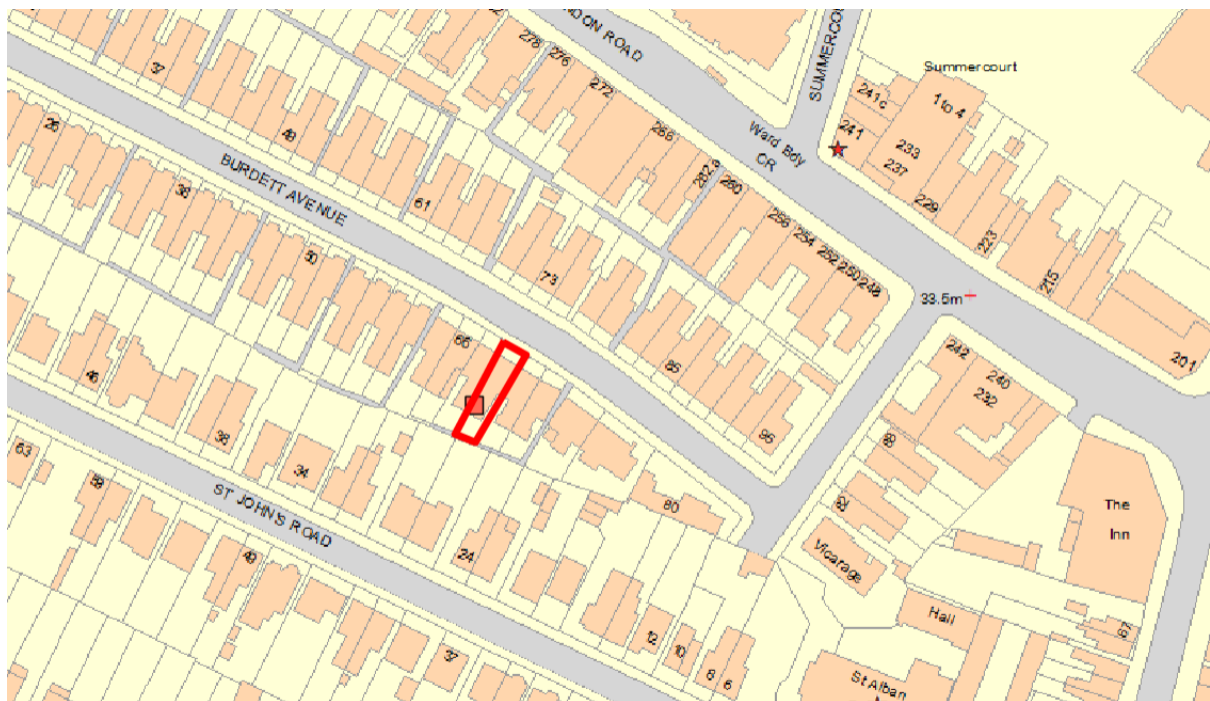


<b>Reference:</b>	17/00715/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Convert existing dwellinghouse (Class C3) to house in multiple occupation
<b>Address:</b>	70 Burdett Avenue, Westcliff-on-Sea, Essex, SS- 7JW
<b>Applicant:</b>	Mr and Mrs Dean
<b>Agent:</b>	Design Associates
<b>Consultation Expiry:</b>	02.06.2017
<b>Expiry Date:</b>	21.06.2-17
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	01 Site and existing floorplans; 02 Revision A Location and proposed plans
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought for the conversion of the existing dwellinghouse (use class C3) a five bedroom 8 person House in Multiple Occupation (HMO) falling outside of the defined use classes (Sui Generis use).
- 1.2 The application site measures 5.4 metres wide and includes a two storey building with accommodation in the roof. The main part of the existing building measures 5.4 metres by 7.3 metres with a two storey rear outrigger that projects by 7.3 metres and measures 3.6 metres wide.
- 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 five bedrooms measuring between 9.1 and 18.9 square metres, a kitchen of 11sqm and two bathrooms. A room to the first floor measuring 14.1sqm would benefit from its own kitchen area.
- 1.4 The applicant has stated that parking for bicycles and refuse storage will be provided at the rear of the site within a 39.5 square metre amenity area. The 2 person bedroom to the second floor would benefit from access to an existing terrace equating to 13.4sqm. No off-street car parking would be provided.

## **2 Site and Surroundings**

- 2.1 The application site is located to the south side of Burdett Avenue. 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. 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 As noted above, it is considered relevant to understand 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 and refuse 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.**

- 4.9 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.
- 4.10 The application site is located within walking distance to London Road with access to sustainable transport connections with a number of bus services available and access to schools, medical, leisure and community facilities and services. It is therefore considered that the site is in a reasonably sustainable location.
- 4.11 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 as a house would also have generated parking demand. 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.
- 4.12 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 8 persons (5 bedrooms) HMO would not give reasonable grounds to refuse the application.
- 4.13 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.
- 4.14 A location for cycle parking is not shown on the submitted drawings. However it is considered that cycle parking facilities can be adequately addressed through the use of conditions.

## **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.**

- 4.15 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.
- 4.16 No extensions or alterations are proposed to the existing dwelling and a cycle store could be installed which 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.
- 4.17 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.
- 4.18 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 to a level that would justify a refusal of permission.

## **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.**

- 4.19 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.”*

- 4.20 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, which the proposal would meet.
- 4.21 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. These would be of adequate size. The proposed amenity space to the rear of the site equates to 39sqm. There are no required policy standards for amenity space for Houses in Multiple Occupation, this is considered to be an adequate quantity external space in this instance.
- 4.22 In relation to shared kitchen facilities, current standards state up to 18sqm or 2 kitchens should be provided for 6-10 persons however, flexibility maybe considered where there are 6 or 7 persons and goes on to state either a full set of shared cooking facilities or additional facilities must be provided in an appropriate number of individual lets where the room is large enough. In this instance, the HMO will have a kitchen area of 11sqm to the ground floor serving 7 persons and to the first floor a one bedroom bedsit will have its own kitchen facilities with an area of 2.9sqm. Taking into account the overall size of the lounge area and kitchen facilities provided, considering the recent decision at 54 Ashburnham Road (17/00589/FUL) and given that the abovementioned standards are not planning standards it is considered that the application should not be found unacceptable solely due to the size of the kitchen.
- 4.23 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 and therefore the development can, on balance, be found acceptable.
- 4.25 It is considered that there is scope for a refuse storage area to be provided at the site under the terms of a condition.
- 4.26 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 on that ground..

### **Community Infrastructure Levy**

- 4.27 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 and therefore the application should not be refused on this basis. It is therefore recommended for approval.

## **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 There are no highway objections to this proposal currently there are no parking standards for HMO's therefore consideration has been given to the sustainable location of the site which is close to London road with a regular bus service and also Westcliff station with good rail links.

#### **Public Consultation**

- 7.3 11 neighbouring properties were notified of the application and a site notice displayed on the 12.05.2017. Two letters of representation have been received objecting to the development for the following reasons:
- Overdevelopment
  - Lack of storage
  - Lack of parking
  - Loss of a family home and introduction of place of multiple occupancy.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

- 7.4 The application has been called in to the Development Control Committee by Cllr J. Garston and Councillor Ware-Lane.

## **8 Relevant Planning History**

- 8.1 None.

## **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: 01 Site and existing floorplans; 02 Revision A Location and proposed plans.**

**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 5 bedrooms and it shall not be occupied by more than 8 persons 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](http://www.southend.gov.uk/cil) for further details about CIL.**

**2. Please refer to [www.southend.gov.uk/hmolicence](http://www.southend.gov.uk/hmolicence) for further guidance with respect to the license requirements for a HMO.**