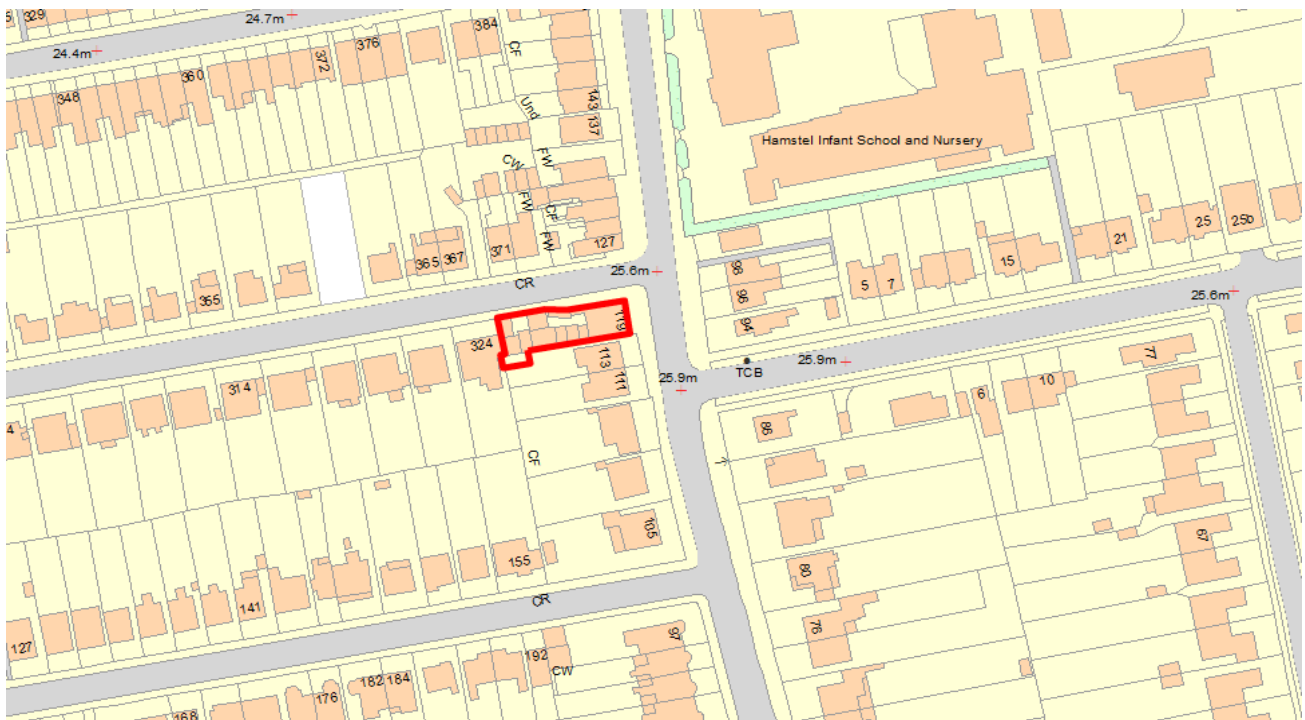


Reference:	18/00382/FUL
Ward:	Southchurch
Proposal:	Convert ground floor shop (Class A1) and vacant first floor accommodation into a 10 bedroom HMO (Sui Generis), erect two storey rear extension, alter front and side elevations and layout parking to rear (amended proposal)
Address:	117-119 Hamstel Road, Southend-on-Sea, Essex
Applicant:	Higgins Property Investments Limited
Agent:	BGA Architects
Consultation Expiry:	11.04.2018
Expiry Date:	06.06.2018
Case Officer:	Charlotte White
Plan No's:	17-047A 0-300, 17-047A 0-001, 17-047A 0-002, 17-047A 2-001, 17-047A 1-001, 17-047A 1-300 Rev. A
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to change the use of the building from a ground floor retail shop with first floor residential accommodation into a house of multiple occupation (HMO). Operational development proposed includes alterations to the fenestration with the shop front and part of the ground floor front projection removed, a ground floor bay window installed and ground floor windows inserted that align vertically with the existing first floor front windows. The existing single storey, rear extension will be removed and a two storey, hipped roof rear extension will be constructed. Two additional northern side windows will also be installed.
- 1.2 To the rear of the site 5 parking spaces and a turning area will be provided accessed from South Avenue along with cycle parking and refuse stores. An amenity space measuring some 29sqm will be provided between the rear extension and the parking spaces (some 3.2m deep), although there is no direct access from the rear of the building to this amenity space.
- 1.3 Internally the development comprises:
- 1.4 Ground floor: 5x bedrooms, each with a kitchenette (the plans indicate that these bedrooms constitute 4x double bedrooms and 1x single bedroom), 2x shower rooms and 1x W.C
- 1.5 First floor: 5x bedrooms, each with a kitchenette (the plans indicate that these bedrooms constitute 4x double bedrooms and 1x single bedroom), 2x shower rooms and 1x W.C
- 1.6 The application has not been submitted with a planning statement or any other supporting documents.
- 1.7 The application was referred to Committee by Cllr VanLooy.
- 1.8 A similar application was withdrawn (reference 17/01659/FUL). The main changes between the previous withdrawn application and this proposal include alterations to the front elevation, removal of the fascia and inclusion of fenestration changes and a ground floor bay window. The two storey extension was previously flat roofed and now includes a hipped roof. Internally there are some slight alterations, although, like the previous proposal, this HMO proposed constitutes 10 bedrooms (8 double bedrooms and 2 single bedrooms). Externally the refuse and cycle parking facilities have been relocated, and an additional fifth parking space is now proposed.

2 Site and Surroundings

- 2.1 The application site is located on a corner plot, to the west of Hamstel Road and to the south of South Avenue. The site is currently occupied by a vacant retail premises at ground floor level with residential accommodation above. There is an existing, large single storey rear extension at the site and an existing crossover providing vehicular access to the rear of the site from South Avenue.

2.2 The surrounding area is mainly residential in nature, with some commercial units and a school in close proximity of the site.

2.3 The site has no specific allocation on the Development Management Document Proposals Map.

3 Planning Considerations

3.1 The main planning considerations in this case are: the principle of development, living conditions for future occupiers, car parking arrangements, highway and transport considerations, design quality and impact on surrounding area, amenities of neighbouring occupiers and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, KP2, CP2, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM3, DM8, DM13, and DM15 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009)

4.1 Southend Borough Council's development plan does not currently contain 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 Government guidance contained within the National Planning Policy Framework (NPPF) *encourages effective use of land by re-using land that has been previously developed* (para.17) and seeks to *deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities* (paragraph 50).

4.3 Core Strategy (2007) Policies KP2 and CP4 seek to promote sustainable development, and Policy KP2 (Development Principles) seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

4.4 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.

4.5 The proposed change of use would result in the loss of a retail premises. However, the site is not located within a primary or secondary shopping frontage. As such there is no objection to the principle of the loss of the A1 retail unit. The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. As such there is no objection to the principle of

an HMO in this location, subject to other material considerations including design, impact on neighbours and living conditions as discussed below:

Design and Impact on the Character and Appearance of the Area

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the Design & Townscape Guide (2009)

- 4.6 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.7 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.8 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.9 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.10 The site is located on a relatively busy road and is in close proximity to a school, currently constitutes a retail unit and there are other commercial premises to the north of the site. As such, given the existing character of the immediate area, it is not considered that the proposed use would result in material harm to the character and appearance of the area.
- 4.11 The shopfront is to be removed and the proposed alterations to the front fenestration include removal of the existing fascia and ground floor projection, the insertion of a bay window and the ground floor fenestration has been designed to align vertically with the existing first floor windows. Whilst the front windows align vertically with the first floor fenestration and is an improvement over and above the previous, withdrawn scheme, no front door has been provided which is an unfortunate design feature that fails to provide an active frontage to Hamstel Road.

- 4.12 The additional side windows proposed would have a neutral impact on the character and appearance of the building and the surrounding area.
- 4.13 The rear extension proposed would replace an existing, poorly designed and disproportionate single storey rear extension with a two storey, hipped roofed rear extension. The two storey, rear extension proposed is of a substantial size; spanning almost the entire width of the building and is of a substantial depth (4.6m) and whilst the roof has a hipped design, given the width and depth of the extension, constitutes a fairly substantial roof form. However, on balance, given the poorly designed, existing rear extension at the site, and given the overall design of the extension which has been set in slightly from the existing flank walls of the dwelling and has been designed with ridge that is below the height of the original ridge height, it is considered that the proposal would not result in any significant material harm to the character and appearance of the host building or the wider surrounding area.
- 4.14 It is therefore considered that on balance the design is acceptable and would not result in any material harm to the character and appearance of the area. The proposal is therefore Policy compliant in this respect and no objection is therefore raised on this basis.

Living Conditions for Future Occupiers

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and DM8 and the guidance contained within the Design & Townscape Guide (2009)

- 4.15 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.”*
- 4.16 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation and this document represents a material planning consideration, although it is noted that this is not a planning policy document. The rooms hereby proposed would constitute ‘bedsits’ in terms of the Approved Code of Practice; a room with sleeping within where some of the basic facilities for food preparation and hygiene are provided within the accommodation for the exclusive use of the occupiers. These standards indicate that in a single occupancy room for sleeping and with kitchen facilities should measure at least 11sqm and a double occupancy room should measure at least 15sqm. All of the rooms hereby proposed satisfy these minimum size requirements (the single room’s measure 11sqm and double rooms 16sqm – 18sqm).
- 4.17 In terms of kitchen facilities, in bedsits the requirements include the provision of a 2-ring hob, over and grill which must be permanently and safely installed on a fixed worktop, 0.6sqm worktop, a sink, one double socket, a single unit cupboard and one fridge. Kitchen facilities where provided in a bedsit should be sited remote from the entrance door and within a minimum of 3sqm floor space. The cooker should not be situated below a window. Whilst the plans submitted do not provide

all the requisite details, given the size, location and facilities that are shown to each kitchenette within each bedsit room no objection is raised on this basis.

- 4.18 The standards also contain specification with respect to sanitary installations requiring the provision of each letting to have a hand wash basin or alternatively a sink would be acceptable for this purpose if provided as part of any kitchen facilities within a letting. In this respect each room has a kitchenette with a sink in accordance with this standard.
- 4.19 The standards also require for units that do not contain exclusive bathing facilities (as is the case in this proposal) a minimum of 1 bathroom and thereafter bathrooms at a ratio of 1:5 persons. W.C accommodation shall be provided within the house on the basis of a minimum of 1 W.C per 4 persons. The HMO proposed is for up to 18 people. Therefore a minimum of 4 bathrooms and 5 W.C's are required. In this respect 4 shower rooms (with W.C facilities) are proposed and an additional 2 W.Cs are shown. The development therefore provides adequate sanitary facilities in this respect.
- 4.20 The proposed development therefore complies with the above requirements in terms of bedroom sizes, bathroom and W.C facilities and kitchen facilities. There are no policy standards for shared living accommodation or outside amenity space for Houses in Multiple Occupation.
- 4.21 However, the development does not include any communal internal space and there is no living room or dining room spaces provided. As such any occupants of the site would only have access to shared shower rooms and their own room, resulting in poor living conditions for any future occupiers of the site. It is also noted that the ground floor rooms to the front and side are located on the pavement and the ground floor rear units only have windows immediately adjacent to the communal amenity area, providing limited privacy and overlooking to the occupiers of these rooms, whom only have access to this one habitable room. This exacerbates the harm to the future occupiers of these rooms, contrary to National and Local Planning Policy.
- 4.22 In terms of amenity space, the plans indicate that the only outside amenity space within the site constitutes a narrow strip of land between the proposed rear extension and the proposed parking spaces. There is no direct access to this space from the building and occupants would have to cross the parking spaces to access this area. The area is also small with a depth of only 3.2m and an area of only approximately 29sqm. Given that 8 of the rooms are double occupancy units, the development could result in up to 18 people living at the premises and the outside space proposed is therefore considered wholly inadequate for the accommodation proposed, resulting in substandard living conditions for any future occupiers of the site.
- 4.23 Whilst there is no specific policy standard for communal internal and external facilities within a HMO, given the size and occupancy levels possible at this development, it is considered when taken in the round that the proposal would result in substandard living conditions for the future occupiers in this respect resulting in significant and demonstrable harm to the amenities of the future residents. This harm would clearly outweigh the benefits of the proposal when assessed against the NPPF and the development plan as a whole.

- 4.24 The plans submitted indicate that there will be a space at the rear of the site for refuse and cycle storage. However, only 3 cycle parking spaces are shown. The provision of further cycle storage can be controlled via planning condition, as can full details of the refuse storage. However, the additional cycle storage required would further reduce the outside amenity area and due to no rear access being provided, the refuse store would not be conveniently located; resulting in occupiers having to leave the site to access the refuse facilities, which weighs further against the proposal.
- 4.25 As such, by virtue of the limited communal internal living space being provided and the wholly inadequate communal outside amenity space proposed the poor privacy conditions for certain ground floor units and the inconveniently located refuse facilities, it is considered that the development would result in unacceptable poor and substandard living conditions for any future occupiers of the site, contrary to National and Local Planning Policy and an objection is therefore raised on this basis.

Impact on Neighbouring Properties

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the Design & Townscape Guide (2009)

- 4.26 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.27 Further to the above policies and guidance development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.28 In terms of overlooking and loss of privacy, the front and northern side windows proposed would overlook Hamstel Road and South Avenue and would be sufficiently removed from the dwellings opposite to ensure the development would not result in any material overlooking or loss of privacy to these adjoining residents. No southern side windows are proposed. The rear windows proposed would be located some 15.5m from the rear boundary of the site. As such the development would not result in any material overlooking or loss of privacy to the rear. The proposal is therefore policy compliant in this regard.
- 4.29 In terms of dominance, an overbearing impact and loss of light and outlook, given the location of the site on a corner plot, No.115 Hamstel Road could be affected in this respect, but all other properties are considered too remote to be materially adversely affected in this respect. In this regard, No.115 currently extends beyond the main rear wall of the application dwelling. The two storey rear extension proposed would extend less than 1m beyond the rear wall of No.115 which is an acceptable relationship that would not result in any material harm to the occupiers of No.115 in terms of dominance, an overbearing impact, loss of light and outlook

or a material sense of enclosure.

- 4.30 In terms of noise and disturbance concern is raised regarding the overall size, scale and intensity of the use proposed. Whilst the application building is detached, the proposed 10 bedrooms have the potential to be occupied by up to 18 residents. Such an intensity of use is considered excessive in this predominately residential location with a large number of family dwellings in the location, resulting in material harm to the residential amenity of the adjoining residents in terms of noise and disturbance resulting from the intensity of the proposed use. As such, the proposed scheme is unacceptable and contrary to the development plan and the application is therefore recommended for refusal on this basis. It is far from clear that conditions could adequately address this issue in the circumstances of this case and so this is not an appropriate approach to addressing the issue. Parking spaces are proposed immediately adjoining No.115 Hamstel Road and 324 South Avenue, given the number of spaces it is considered that the parking and turning area would result in additional material noise and disturbance to the adjoining residents.

Traffic and Transport Issues

National Planning Policy Framework (NPPF), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.31 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. All development should meet the parking standards (including cycle parking).
- 4.32 The Council does not have any adopted Vehicle Parking Standards in respect of HMOs (sui-generis use). The proposal is for 10 rooms, with up to 18 occupiers and 5 parking spaces are proposed. This equates to only 1 parking space per 2 rooms. In this respect the Highway Officer has raised an objection to the proposal, commenting that 5 parking spaces are not sufficient given the scale of the development. The Highway Officer also notes that this is an area of parking stress, which this development would exacerbate. This site is not located in a particularly sustainable location. Whilst it is noted that the existing A1 unit would require the provision of a maximum of 1 parking space per 14sqm and the existing site does not provide any off-street parking, given the intensity of the proposed use, the existing parking stress in the area and the objection raised by the Highway Officer it is considered that the development would result in inadequate parking provisions at the site which would result in an increase in on-street parking to the detriment of highways safety, contrary to National and Local Planning Policy. An objection is therefore raised on this basis.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.33 A large HMO falls outside of Use Classes C3 and C4 and constitutes a sui generis use. However, the use is residential in character and therefore the change of use from a dwellinghouse to a large HMO would not represent a CIL liable change of use.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, the development is considered unacceptable and contrary to the objectives of development policies for the reasons set out above and in the recommendation sections this report. There are not considered to be any material planning considerations which would outweigh the harms and conflict with policy identified. The proposal is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): including chapter 4 (Promoting sustainable transport), chapter 6 (Delivering a wide choice of high quality homes) and chapter 7 (Requiring good design)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), DM13 (Shopping Frontage Management outside the Town Centre and DM15 (Sustainable Transport Management).
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015

7 Representation Summary

Transport & Highways

- 7.1 Consideration has been given to the parking provided for the proposal whist there are no specific parking standards for HMO's it is considered that 5 car parking spaces are not sufficient given the potential use of the site. The area also suffers from considerable parking stress which could be exacerbated by this proposal.

Waste Management Officer

- 7.2 Would require a Waste Management Plan.

Public Consultation

7.3 44 neighbour letters were sent out and a site notice was displayed. It was reported that the site notice had been removed during the course of the application and as such a replacement site notice was displayed. 24 letters of objection have been received which make the following summarised comments:

- Concerns relating to who will occupy the property.
- Concerns it will be used as a hostel and concerns criminals will occupy site as lots of children in the area and close to a school.
- Parking concerns as the area is already congested with overburdened road and suffers parking problems. Will increase traffic and parking in the area. Lack of parking. Already a dangerous junction. Ingress and egress will add traffic congestion and harm the safety of children and road users.
- Area is overcrowded.
- Property insufficient for 10 units.
- Overlooking from two storey rear extension.
- Loss of privacy due to parking spaces directly in front of kitchen window, but a fence would block the light.
- Out of keeping with surrounding properties and surrounding area. Too large and negative impact on streetscene.
- Potential 18 people at site – overdevelopment.
- Loss of retail when already rooms and flats to rent in the area.
- Other properties in same ownership not well looked after and concerned property will not be maintained.
- Noise due to intensity of use and from car park, from comings and goings at all times of day and from smoking outside the property.
- Has allowed property to deteriorate.
- Would detrimentally impact the school and cause the school issues.
- Upper flat previously raided by police.
- Located too close to a school, nursery and children’s centre – inappropriate for use proposed.
- Concerns relating to site being occupied by ex-offenders and concerns relating to increases in crime, drug using, anti-social behaviour and security concerns. Putting children at risk. Crime rates will increase.
- No change since previous application apart from word ‘hostel’ removed, an extra parking space and some building modifications.
- Disruption during building works.
- Not conducive to the local environment.
- Hostel shouldn’t be located opposite a school.
- Lack of neighbour consultation and no site notices displayed/was removed.
- Impact local residents emotionally and financially.
- Concerns application submitted during holidays.
- Developer profits.
- Neighbours moving away due to application.
- Will change the dynamic of the area. Unacceptable in our community.

8 Relevant Planning History

8.1 17/01659/FUL – Convert ground floor shop (Class A1) and first floor bedsits (Class C4) into a ten bedroom HMO (Sui Generis), erect two storey rear extension, alter front and side elevations and layout parking to the rear –

application withdrawn.

9 Recommendation

9.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed development by reason of its design, scale and the proposed intensity of the use with 10 bedrooms, 5 car parking spaces and up to 18 residents living in the building, would result in material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. The development is therefore unacceptable and contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 02 The proposed development by reason of the extremely limited internal communal living accommodation being provided, the limited size and poor quality of the external amenity space provided, the inconveniently located refuse facilities and as a result of the ground floor rooms being materially overlooked and providing lack of privacy, would provide substandard living conditions for the future occupiers of the site and a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 03 The proposal would provide insufficient parking facilities to meet the needs of the development, resulting in an increase in on-street parking to the material detriment of highway safety and the free flow of traffic. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action

Informatives

- 1 A large HMO falls outside of Use Classes C3 and C4 and constitutes a sui generis use. However, the use is residential in character and therefore the change of use from a dwellinghouse to a large HMO would not represent a CIL liable change of use.**

