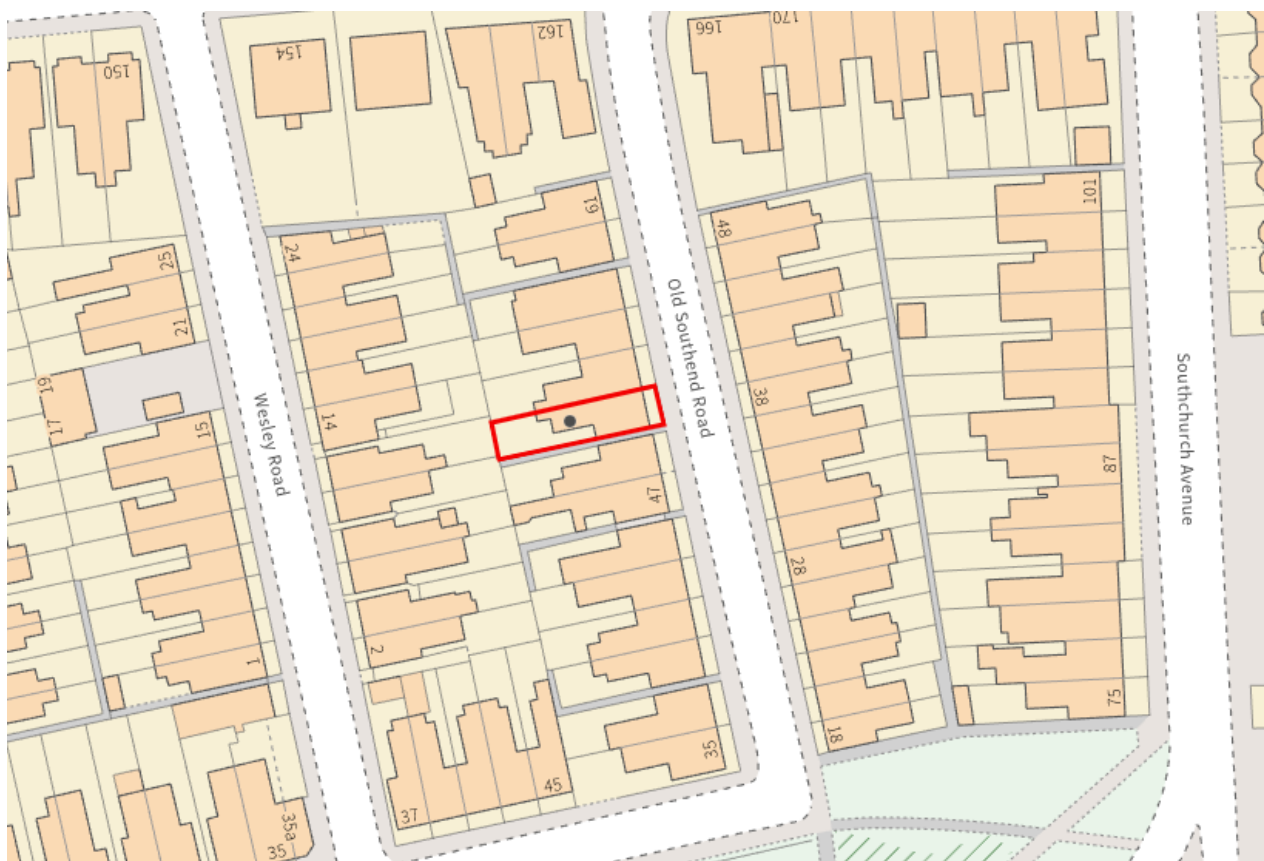


<b>Reference:</b>	23/01966/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Change of use from 6 person HMO (Class C4) to 7 person, 7 bedroom HMO (Sui-Generis), install dormer to rear and provide bin and cycle storage (Amended Proposal)	
<b>Address:</b>	51 Old Southend Road, Southend-on-Sea, Essex, SS1 2HA	
<b>Applicant:</b>	Mr Mitch Nunn of Nunn Group Ltd	
<b>Agent:</b>	Mr Jonathan McDermott of Town Planning Experts	
<b>Consultation Expiry:</b>	10th January 2024	
<b>Expiry Date:</b>	1st March 2024	
<b>Case Officer:</b>	James Benn	
<b>Plan Nos:</b>	<b>865-101 Rev 02; 865-102 Rev 00; 865-103 Rev 00; 865-201 Rev 02; 865-202 Rev 01; 865-203 Rev 03.</b>	
<b>Additional information:</b>	<b>N/A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application relates to a two and a half storey, end-terrace building currently in use as a 6-person House in Multiple Occupation (HMO) on the western side of Old Southend Road. Land levels rise from south to north.
- 1.2 The surrounding area is residential in character. The streetscene is predominantly characterised by terraced two-storey dwellings, some with accommodation in the roof space, which are similar in scale, form and traditional appearance. The building has a two-storey rear outrigger similar to other buildings in the surrounding area.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

## **2 The Proposal**

- 2.1 Planning permission is sought for a change of use of the building from the existing six-person HMO, falling within the definition of Use Class C4, to a seven-person, seven-room HMO which would be a Sui Generis Use. A flat roofed rear dormer is proposed to provide additional roof space. The building's internal layout would be altered to facilitate additional bedrooms.
- 2.2 The proposed rear dormer would be some 2.65m deep, 5.7m wide and 2.15m high. It would have two rear windows. Two roof lights in the rear roof slope would be removed to accommodate the rear dormer. The external materials of the rear dormer would be tiles to match the dwelling's existing roof tiles and UPVC windows.
- 2.3 An existing first-floor window in the flank wall of the rear outrigger would be removed and infilled to match the existing wall. An existing chimney would be removed to facilitate the development.
- 2.4 A wooden bike shed and a timber bin store are shown within the rear garden area of the site.
- 2.5 Shared kitchen/living/dining facilities would be provided. The submitted plans show that the proposed accommodation would comprise a kitchen at ground floor with a breakfast bar and sofa seating area. There would be an additional living room/TV room at first floor level.
- 2.6 Bedrooms range in size from 9sqm to 13.4sqm and would all have en-suites. There is an additional shower room at first floor level.
- 2.7 The submitted plans show the current accommodation as two double bedrooms, a single bedroom with unspecified rooms in the roof space and a dining room, living room and separate kitchen at ground floor level.
- 2.8 The application is an amended proposal following the refusal of application ref. 23/01522/FUL (the previous 2023 application). The main difference is the previous 2023 application was for an 8-bedroom, 8-person HMO whereas this application is for a 7-bedroom, 7-person HMO. A formerly-proposed first floor bedroom has been changed to a living/TV room. The proposed rear dormer is unchanged in size and position and was not a basis for refusal of the 2023 application.

## **3 Relevant Planning History**

- 3.1 23/01522/FUL (the previous 2023 application): Change of use from 6 person HMO (Class C4) to 8 person, 8 bedroom HMO (Sui-Generis), install dormer to rear to provide further rooms in the loftspace and alter elevations – Refused.

Reason for refusal:

*“01 The proposed development, by reason of the inadequate internal area of the shared communal facilities which does not meet the Essex Amenity Standards Approved Code of Practice (2019), would result in an inadequate living environment, significantly harmful to the amenities of the future occupiers of the proposed development. This is unacceptable and contrary to the National Planning Policy Framework (2023), 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 Southend-on-Sea Design and Townscape Guide (2009).”*

- 3.2 23/00684/CLP: Change of use of the existing dwellinghouse (Class C3) to 6 bed HMO (Class C4), dormer to rear, alter elevations (Lawful development certificate-proposed) – Granted.

## **4 Representation Summary**

### **Public Consultation**

- 4.1 Fourteen (14) neighbouring properties were notified of the application by letter and a site notice was displayed. No letters of representation have been received.

### **Highways**

- 4.2 No objections. Future occupiers will not be eligible for a residential parking permit.

### **Environmental Health**

- 4.3 No objections raised subject to conditions relating to construction/demolition management and refuse and recycling storage and informatives relating to construction outside of normal hours and asbestos.

**[Officer Comment:** Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case.]

### **Essex County Fire and Rescue Service**

- 4.4 No objections.

## **5 Procedural matters**

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Cowdrey.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards),

DM15 (Sustainable Transport Management).

- 6.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.8 The Essex HMO Amenity Standards (2018)
- 6.9 The Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.11 Electric Vehicle Charging Infrastructure for new development SPD (2021)
- 6.12 The Essex Coast Recreation Disturbance Avoidance Strategy (RAMS) (2020)

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 123 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS carry weight in favour of the principle of the development given the proposed creation of additional housing.
- 7.3 Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. This Council’s development framework does not currently contain any policies that specifically relate to HMOs however the building is already in use as an HMO and of some relevance to this proposal is the location of Southend High Street less than a mile from the application site.
- 7.4 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. There is no objection to the principle of a larger HMO in this location, subject to the material considerations discussed in the following sections of the report.

### **Design and Impact on the Character of the Area**

- 7.5 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council’s Design and Townscape Guide

provide further details on how this can be achieved.

- 7.7 There are some examples of existing rear dormers within the rear garden scene. The proposed dormer would be set down from the ridge with a balanced fenestration and ratio of window to solid. It would appear incidental and subservient to the main building. Furthermore, it is exactly the same as that included within the 2023 scheme and which did not form a reason for refusal. It is also noted that the applicant has a Certificate of Lawfulness (ref. 23/00684/CLP) for exactly the same size, position and design of rear dormer. That informs a realistic permitted development fall-back position for the existing Class C4 HMO to which significant weight should be attached.
- 7.8 The infilled window and removal of the chimney would have limited visual impacts and is not considered to result in any significant harm in design terms.
- 7.9 Areas for waste and cycle storage are shown on the submitted plans within the rear garden area. No character-based objections are raised to the position of the stores within the rear of the site or their natures and designs.
- 7.10 Overall, consistent with the assessment of the previous 2023 application, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.11 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.12 In relation to residential standards for non-self-contained accommodation, Policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m<sup>2</sup> for single and 10.2m<sup>2</sup> for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.
- 7.13 The Council has adopted the Essex Approved Code of Practice with respect to HMO's and this document represents a material planning consideration when read along with the above policy, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

**Table 1: Minimum room size requirements**

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

\*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves.

**Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments**

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit (With Hot and Cold Water) and may contain a WC (but see * below)	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

\*For properties with 6-9 occupants sharing there shall be a minimum of 2 WCs and 2 bathrooms and one of the WCs must be separate.

7.14 The development would create a 7-bedroom HMO with capacity for 7-persons. The proposed rooms are as follows:

Bed 1 (ground floor)	13.4sqm	(2sqm ensuite)
Bed 2 (ground floor)	9.8sqm	(2sqm ensuite)
Bed 3 (first floor)	9sqm	(2sqm ensuite)
Bed 4 (first floor)	9.5sqm	(2sqm ensuite)
Bed 5 (first floor)	9.2sqm	(2sqm ensuite)
Bed 6 (second floor)	9.4sqm	(2sqm ensuite)
Bed 7 (second floor)	13.2sqm	(2sqm ensuite)

7.15 There would be a shared kitchen/dining/living room, some 19.1sqm, at ground floor and a shared living/TV room, some 8.6sqm, at first floor. There would also be a shared shower room, some 3sqm, at first floor. No other shared internal facilities are proposed. The rear garden amenity space for the residents is some 55sqm including the areas for the bike and bike stores.

7.16 The Essex HMO Standards state that each single occupancy bedroom must be a minimum of 6.51sqm. All of the proposed bedrooms would exceed the Essex HMO Standards for a 7 person HMO containing 7 x single occupancy rooms with shared kitchen/dining/living facilities. All rooms would benefit from acceptable outlook and natural light.

- 7.17 The Essex HMO Standards state that shared kitchen/dining/living facilities for a HMO of this occupancy should be a total of 23sqm in floor area comprised of a 10sqm kitchen and a 13sqm living/dining room. The proposed kitchen includes a breakfast bar and seating area (small sofa) to be considered as shared dining/living facilities and would be a total of 19.1sqm. There is a shared living room at first floor some 8.6sqm. In total the proposed shared kitchen/dining/living facilities would be some 27.7sqm in floor area which would exceed the Essex HMO standards of 23sqm. The proposal is therefore considered acceptable and has overcome the reason for refusal of the previous 2023 application in this regard.
- 7.18 The rear garden area provided is of a usable size and shape and is considered sufficient to provide adequate living conditions for the occupiers of the development.
- 7.19 Given the sizes and layouts of the internal communal areas and the external rear garden amenity area which would be suitable to provide acceptable living conditions for an occupation of up to 7 persons only, it is considered necessary and justifiable to limit occupancy to the proposed 7 single person, 7 room capacity of the HMO which can be controlled through a planning condition.
- 7.20 The proposal development is considered to be acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.21 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.22 HMOs are generally compatible within a residential setting. It is not considered that the one person increase in capacity over the current occupancy of the site (6 persons) would give rise to any significantly harmful noise and disturbance or other significantly harmful amenity impacts for neighbouring occupiers.
- 7.23 The proposed dormer would be positioned within the rear roofscape and due to its size, scale and siting would not significantly harm the amenities of the neighbouring occupiers in any relevant regards, including through loss of privacy or overlooking.
- 7.24 It is also noted that the applicant has a Certificate of Lawfulness (ref. 23/00684/CLP) for a similar rear dormer which informs a realistic permitted development fall-back position to which material weight is attached.
- 7.25 Given the scale and nature of the external works proposed which are not too dissimilar from typical residential development, it is not considered reasonable or necessary to impose a condition relating to construction management.
- 7.26 Consistent with the assessment of the previous 2023 application, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Traffic and Transportation Issues**

- 7.27 Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Policy DM15 of the Development Management Document states: “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.” The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.28 The Council’s parking standards do not provide any standard requirements for HMOs. No off-street parking spaces are proposed.
- 7.29 The building is currently in use as a 6-person HMO with no off-street parking. No off-street parking spaces are proposed which is the same as the existing situation. The site is considered to be in a sustainable location with regard to public transport options and its proximity to shops and services and the Town Centre. The Highways team have raised no objection to the proposal and have confirmed that occupiers of the development would not be eligible for residential parking permits. The proposal is not considered detrimental to highway safety or the local highway network. The impact of the additional 1 occupier would not have a significantly harmful impact on local parking conditions and would not be in the realms of a severe parking impact referred to in the NPPF. The parking impacts are therefore considered to be acceptable.
- 7.30 The submitted plans detail the provision of a bike shed and bin stores in the rear garden. The applicant has stated in an email that the bike shed is capable of storing 7no. cycles. The applicant has also provided information with respect to the existing and proposed waste arrangement. The bins are managed by a private waste management team who visit the property weekly and place the refuse sacks on the street in the morning of the Council’s collection day. This arrangement will not change with the 1no. additional occupancy proposed. Full details of the provision of the cycle and refuse and recycling storage can be secured by condition.
- 7.31 Subject to the described conditions, and consistent with the findings of the previous 2023 application, the proposal is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

### **Energy and Water Sustainability**

- 7.32 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting.”
- 7.33 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. The requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area.



- 7.34 Subject to conditions and consistent with the assessment of the previous 2023 application, the proposal would be acceptable and policy compliant in the above regards.

### **Ecology and Essex Coast RAMS**

- 7.35 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.
- 7.36 The development does not need to offer mitigation as it would enlarge an existing (HMO) dwelling with no increase in dwellings and would not have a significant effect on habitats and species. Consistent with the assessment of the previous 2023 application, the development is acceptable and in line with policies in this regard.

### **Equality and Diversity Issues**

- 7.37 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Community Infrastructure Levy (CIL)**

- 7.38 As the development does not create more than 100m<sup>2</sup> of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Conclusion**

- 7.39 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions. The application is considered to have overcome the single reason for refusal of the previous 2023 application with regard to the standard of living conditions for future occupiers.

## **8 Recommendation**

### **8.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no 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 shall only be undertaken in accordance with the following approved plans: 865-101 Rev 01; 865-102 Rev 00; 865-103 Rev 00; 865-201 Rev 01; 865-202 Rev 01; 865-203 Rev 03.

**Reason:** To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 03** Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

**Reason:** To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 04** Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied unless and until full details of secure and covered refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

**Reason:** To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 05** The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is occupied.

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Prior to the first use of the building for the purposes hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The energy efficiency and other sustainability measures shall be maintained for the lifetime of the development.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and

the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)

- 07 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time with all seven (7) bedrooms for single occupancy only.

Reason: To ensure the use hereby approved accords with the development sought, so that it would offer acceptable living conditions for its occupiers and would not result in highways and parking issues resulting in a loss of amenity to neighbouring occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 08 Notwithstanding the details shown on the approved plans, the development hereby granted shall not be occupied unless and until full details of secure, covered cycle parking for at least 1 no. bicycle per HMO room have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

#### Informatives

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3 Future occupiers will not be eligible for a residential parking permit.
- 4 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit

details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council become aware of any works that are highly likely to cause a nuisance, Regulatory Services can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

- 5 Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

#### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.