

<b>Reference:</b>	16/00662/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Change of use from Residential Institution (Class C2) to House of Multiple Occupation (HMO) (Class Sui-Generis)
<b>Address:</b>	Sandy Lodge, 1A Southchurch Avenue, Shoeburyness, Southend-on-Sea, Essex, SS3 9BA
<b>Applicant:</b>	Higgins Property Investments Ltd
<b>Agent:</b>	Knight Gratrix Architects
<b>Consultation Expiry:</b>	10.08.2016
<b>Expiry Date:</b>	06.09.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	010 Revision A; 011 Revision A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to convert an existing residential institution (care home) into house of multiple occupation (sui generis). The proposal would provide nine units with shared facilities. Five parking spaces are to be provided. Refuse storage would be provided to the rear of the property. The only external alteration is to the rear elevation whereby two windows will be infilled to the rear elevation.
- 1.2 The site has been historically used as a registered care home for people with a learning disability. The care home previously had 11 bedrooms with a high level of staffing numbers.
- 1.3 The Councils Housing Team have confirmed the proposed change of use and tenancy agreements will provide tenants who are homeless on low income and low levels of car ownership whereby the Council will manage the tenants and they are likely to be on short tenancy agreements.

## **2 Site and Surroundings**

- 2.1 The site contains a two storey building located on the northern side of Southchurch Avenue. The building has been previously used for as a care home for people with learning disabilities. The property has a rear garden and off street parking for 3 vehicles.
- 2.2 The property is located within a residential area. Directly to the east and west of the building are two storey terraced properties. To the south of the site overlooks existing gardens belong to properties in the High Street and Waking Avenue.

## **3 Planning Considerations**

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues, living conditions of the future occupiers and impact on residential amenity and any CIL liability.

## **4 Appraisal**

### **Principle of Development**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1, DM8 and DM15.**

- 4.1 The development plan contains no policies specifically related to Houses of Multiple Occupation. The National Planning Policy Framework States that where the development plan is silent, 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”*. (paragraph 14)

- 4.2 The building is located within a residential area and previously used as a care home. The proposal is for the conversion of the existing residential institution into a House of Multiple Occupation, containing nine rooms. There are no records of HMOs on Southchurch Avenue (HMO licenses register, 9<sup>th</sup> February 2016). It is not considered that the development would result in clustering on HMOs which might be detrimental to the character of the area. As noted above the site is located within walking distance to bus services along Shoebury High Street and Shoeburyness Station with access to Southend and London Fenchurch Street, and as such, no objection is raised in relation to the acceptability of the location for this type of accommodation.
- 4.3 Policy DM8 of the Development Management DPD states that *“The licensing and management of Houses in Multiple Occupation, including space standards, is set out in relevant housing legislation.”* Thus the proposal falls to be assessed against the private sector housing standards for Houses of Multiple Occupation in the ‘Living Conditions of the Future Occupiers Section’.
- 4.4 In light of the above subject to the proposal being acceptable in terms of the visual or residential amenity, the living conditions of the future occupiers and the parking requirements (assessed below), the proposal is considered acceptable in principle.

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

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))**

- 4.5 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 DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 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.”*
- 4.7 Policy DM1 of the Development Management DPD 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable”.*

- 4.8 According to Policy KP2 of Core Strategy (CS) new development should “*respect the character and scale of the existing neighbourhood where appropriate*”. Policy CP4 of CS 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*”.
- 4.9 The only external alteration will be to the rear elevation whereby two windows will be omitted. Waste stores would be positioned to the rear garden, away from public views and therefore, it is not considered that the additional activity by the proposed use would result in an adverse visual impact on the streetscene. There is no objection to the external alteration to the rear and as such, the proposal is not considered to result in a material harm to the character and appearance of the area or the existing property.

### **Living Conditions for Future Occupiers**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8 and Development Management DPD Policies DM8**

- 4.10 Delivering high quality homes is one of the Government’s requirements according to the NPPF. As noted above, the Development Plan contains no specific policies for management of Houses of Multiple Occupation and suggests that space standards should refer to relevant housing legislation. For this reason the private sector housing standards for HMOs as set in the Essex Approved Code and Practice 2012 would be used to assess this acceptability of this proposal.
- 4.11 Two communal lounges are proposed with an area of 9.5sqm each. The internal floorspaces range from 18sqm to 25.8sqm and each room would have a bathroom and kitchen area. The bedrooms as proposed would exceed room size standards as set in the Essex Approved Core and Practice 2012 for the HMOs and refuse storage would be provided to the rear garden, readily accessible to occupants of the house, and sited so as to prevent any potential nuisance from litter. Furthermore, adequate outlook and ventilation would be provided to all habitable rooms and kitchen. Although the amenity space is limited, given the small size of the rear garden, on balance, it is considered that it would be capable to meet the outdoor requirements of the occupiers. As such, no objection is raised in relation to the living conditions of the future occupiers.

### **Traffic and Transport Issues**

#### **NPPF; Development Management DPD Policy DM15**

- 4.12 Policy DM15 of the Development Management DPD requires all development to provide adequate off-street parking. The existing use as a residential care home currently provides 3 spaces and the proposed change of use will provide an additional 2 off street parking spaces; making 5.

Policy DM15 of DPD2 requires at least 1 space per resident staff and 1 space per 3 bed spaces, although the numbers of staff have not been confirmed it is anticipated the numbers of parking spaces required for a care home are significantly higher than the proposed change of use given the 11 bedrooms of the care home would have require a least 4 parking spaces not taking into account the members of staff. The site is in walking distance to Shoebury High Street with rail links to Southend and bus services. Taking into account that persons living in HMOs have a lower expectancy of vehicle possession, on balance, it is not considered that the proposal would result in an unacceptable impact on the highways network and the parking space availability.

- 4.13 No information has been submitted regarding cycle parking or refuse storage. However, it is considered that there is enough space for bicycles to be stored to the rear garden and as such, no objection is raised in relation to cycle parking. A condition is considered reasonable to be imposed in order to ensure provision for safe and easily accessible cycle parking. In addition, no details have been submitted with respect to the location of the refuse, however there is sufficient space within the rear garden and further details will be dealt with by condition to ensure a suitable provision of waste store is provided.

#### **Impact on Residential Amenity:**

#### **NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))**

- 4.14 Policy DM1 of the Development Management DPD 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.”*
- 4.15 Although it is accepted that levels of activity and associated noise would be increased by the proposed type of accommodation, on balance, this is not considered to result in a materially harmful impact on the residential amenity of the neighbours. Taking into account the existing use as a care home whereby a number of visitors would have attended and associated members of staff have been previously employed on balance it is not considered that the proposed HMO would result in an unacceptable impact, in terms of noise and disturbance.
- 4.16 No external alterations such as extensions or new openings are proposed and as such, the conversion would not give rise to an adverse impact on neighbouring properties in terms of overshadowing or overlooking ect.

#### **Community Infrastructure Levy**

#### **CIL Charging Schedule 2015**

- 4.17 A Large HMO falls outside of Use Classes C3 and C4 and is therefore considered to be a Sui Generis Use. No new floor space is created and as such, for a non-residential use (in terms of its use class) it is considered that the development is not CIL liable.

## 5 Conclusion

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

## 6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

## 7 Representation Summary

### Private Sector Housing

- 7.1 The property appears to be only two stories and this being the case would not require an HMO license under current legislation however the applicant should be made aware that extended HMO licensing is proposed to come in nationally.

The bedroom sizes are not shown on the plan. Bedrooms should be of minimum sizes as below as per the Essex Approved Code of Practice, full copy of which is available online at [www.southend.gov.uk](http://www.southend.gov.uk) Without knowing the proposed bedroom sizes it cannot be confirmed whether the proposed rooms are of sufficient size.

No. of occupiers per rooms	Space for sleeping where kitchen facilities are SEPARATELY provided	Space for sleeping where kitchen facilities are provided WITHIN the room
ONE	8.5m <sup>2</sup>	11m <sup>2</sup>
TWO	12m <sup>2</sup>	15m <sup>2</sup>

The application form Part 7 states that there are no plans for waste and recycling storage and collection however this is a requirement under the HMO Management Regulations (2006). The duty is on the Manager of the HMO to ensure satisfactory

### Design and Regeneration

- 7.2 The proposed change of use will have no impact on the building.

## Transport and Highways

- 7.3 Consideration has been given to the sustainable location of the site which has good public transport links in close proximity. Three parking space have been provided for the proposal which is acceptable given the nature of the change of use.

## Public Consultation

- 7.4 A site notice was displayed on the 20<sup>th</sup> July 2016 and neighbour notified of the proposal. Three letters of representation have been received stating:

- It is not clear the type of tenants who are going to move in-are they professional, working people, homeless people, ex-offenders **[Officer Comment: The people intended to move in are homeless and on low income];**
- This is a small avenue with 6 houses and 4 of them house young children, there is no idea if children will be safe **[Officer Comment: The people intended to move in are homeless and on low income];**
- If there are 9 new people this could result in 9 extra vehicles and there is nowhere to park
- What sort of tenancy agreement **[Officer Comment: not a material consideration];**
- When will residents move in and when will it be **[Officer Comment: If planning permission is granted the applicant will have three years to implement the change of use, therefore the date of when residents can move in cannot be confirmed at this stage];**
- Will tenants park in the road **[Officer Comment: Taking into account the low income persons with lower expectancy of vehicle possession, on balance, it is not considered that the proposal would result in an unacceptable impact on the highways network and the parking space availability];**
- Driving over surrounding land is not acceptable and the development has no rights on surrounding land;
- Noise and rubbish;
- Overcrowding

- 7.5 Councillor Assenheim has requested that this planning application go before the Development Control Committee for consideration.

## 8 Relevant Planning History

- 8.1 None.

**9 Recommendation**

**Members are recommended to 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: 010 Revision A; 011 Revision A.**

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

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).**

- 04 The property hereby approved shall not be occupied until details of the cycle storage have been submitted to and approved by the local planning authority.**

**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).**

- 05 The property hereby approved shall not be occupied until details of the refuse storage have been submitted to and approved by the local planning authority.**

**Reason: To safeguard the amenities of the future occupants of the proposed flats 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).**



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.

#### Informative

- 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 It is the HMO Manager's responsibility to ensure any necessary HMO licence is applied for to Private Sector Housing and the applicant is pointed to the current regulations for licensing which are due to be extended.
- 3 The applicant should be aware that a Manager for the HMO must be appointed and notified to the Council's Private Sector Housing Team. All Management Regulations must be complied with including the Manager's duties 3 – 9 of the Regulations which can be viewed here: <http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

In particular, the Manager should note their responsibilities to provide information (Duty 3), take safety measures (Duty 4), maintain water supply and drainage (Duty 5), supply and maintain gas and electricity (Duty 6), maintain the common parts (including outdoor curtilage), fixtures, fittings and appliances (Duty 7), maintain living accommodation (Duty 8) and to provide sufficient waste disposal facilities (Duty 9).
- 4 A fire and heat detection and alarm system appropriate for a two storey bedsit type HMO in accordance with the latest Building Regulations must be installed and operative prior to becoming occupied.
- 5 The applicant is directed to Private Sector Housing's Landlords' Forum and is invited to join at no charge at [landlordsforum@southend.gov.uk](mailto:landlordsforum@southend.gov.uk)