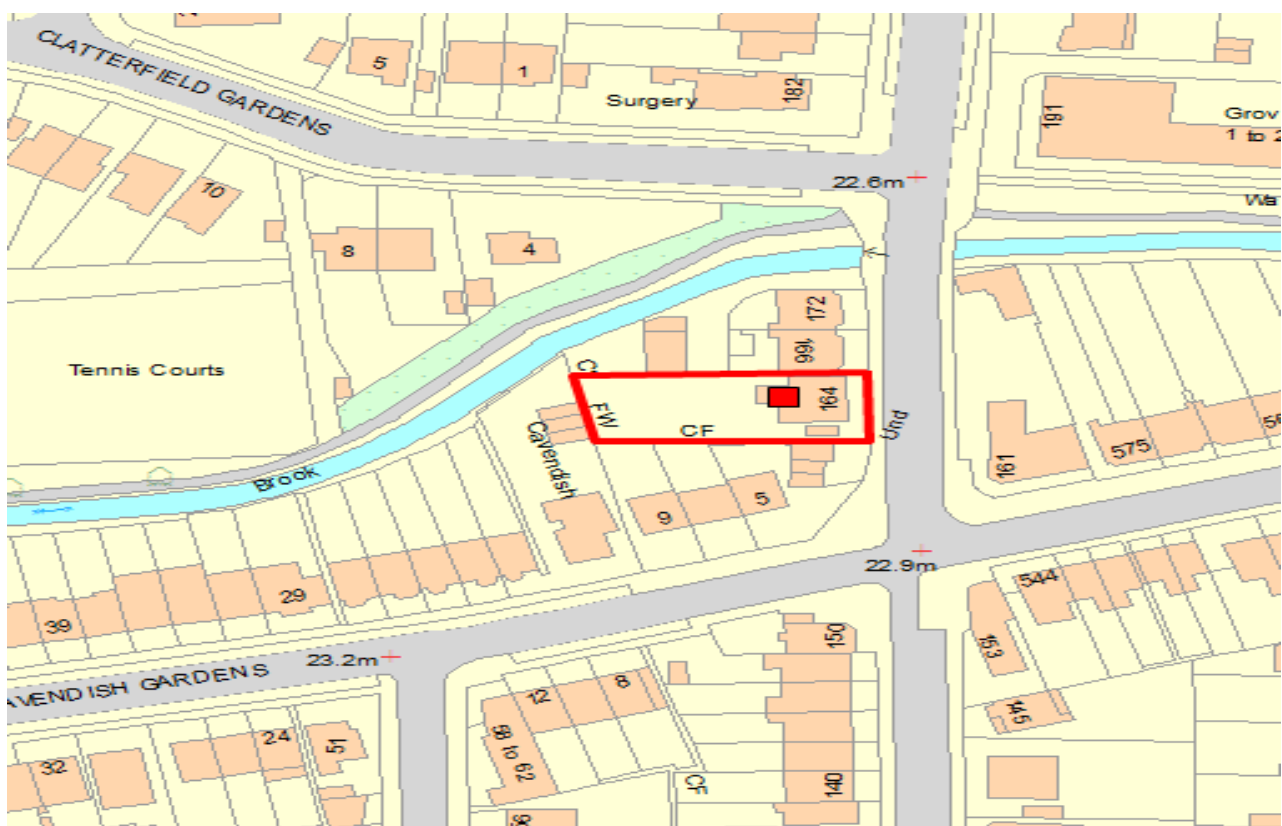


Reference:	17/00050/UCOU_B	
Ward:	Westborough	
Breaches of Control	Without planning permission, the change of use from a dwelling to a hotel.	
Address:	164 Southbourne Grove, Westcliff on Sea, Essex. SS0 0AA	
Case Opened:	8 th March 2017	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The property is a two storey, detached building set within a predominantly residential location. It lies approximately 30m south of the junction with Cavendish Gardens. The property is currently being used as a guesthouse named 'Lotus Lodge'

2 Lawful Planning Use

- 2.1 The lawful planning use is either as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended) or a small House in Multiple Occupation under Class C4.

3 Present Position

- 3.1 A Complaint was received during March 2017 concerning the alleged change of use from a dwelling to a guest house/hotel without planning consent.
- 3.2 On 8th March 2017 Enforcement staff made initial enquiries on-line and established that this property was being advertised on the websites, booking.com, Airbnb.com and other sites. It appeared from the adverts that 4 rooms were available to rent. The property was being marketed as a 'guest house'. Elsewhere in the advert text the term 'hotel' was used.
- 3.3 On 9th March 2017 Enforcement staff attended the property and met with a person who indicated they were staying at the property effectively in the role of caretaker.
- 3.4 Enforcement staff were shown a ground floor room which had a built in kitchenette. There was clothing present and a double bed and staff were informed someone was staying in that room currently. The 'caretaker' confirmed there were 4 rooms available to rent in the property in total.
- 3.5 On 14th March 2017 Enforcement staff wrote to the property owner identifying the material change of use and inviting a retrospective planning application.
- 3.6 On 15th March 2017 the owner rang Enforcement and a discussion took place regarding the current and intended future use of the property. The owner confirmed its current use as a hostel/hotel but also stated they wanted to run longer term yoga retreats. The owner was informed that a planning application was required for a change of use to Use Class C1 as the premises were now operating as a hotel and not a dwelling house (Class C3).
- 3.7 The owner advised that the property used to operate as a House in Multiple Occupation (HMO). He was advised that it may have operated as such but the council records show that a planning application for a change of use to operate as a large HMO in 2016 was withdrawn.
- 3.8 On 4th April 2017 Enforcement staff were notified by the owner that his architect would be in contact to arrange pre application advice.

- 3.9 On 11th April 2017 Enforcement staff received an email from the architect regarding contact with a planner to arrange a pre application meeting.
- 3.10 On 21st April 2017 a formal pre-application request was received by the Local Planning Authority.
- 3.11 On 24th April 2017 the Local Planning Authority wrote to the architect advising that the pre application was invalid.
- 3.12 On 10th May 2017 Enforcement staff emailed the architect reminding him of the invalid application and asking for an update.
- 3.13 On 7th June 2017 Enforcement staff emailed the owner and architect asking for timescales regarding the submission of a planning application.
- 3.14 On 13th June 2017 Enforcement staff confirmed that rooms were still being advertised on booking.com and subsequently telephoned the owner to advise that a planning application should be submitted within the next 7 days to avoid formal enforcement action.
- 3.15 On 14th June 2017 Enforcement staff received an email from the architect advising a planning application would be submitted within a week.
- 3.16 On 29th June 2017 the Local Planning Authority processed a planning application dated 16th June 2017.
- 3.17 On 14th July 2017 an invalid letter was sent to the architect requiring a response within 21 days.
- 3.18 On 17th July 2017 Enforcement staff emailed the architect advising the application rejection should be dealt with promptly.
- 3.19 On 24th July 2017 the planning application proposing the retrospective Change of Use from an HMO (Class Sui Generis) to 6 bedroom guesthouse (Class C1) was validated and allocated to a planning officer to determine.
- 3.20 On 12th September 2017 the planning application under reference 17/01059/FUL was refused.
- 3.21 On 21st November 2017 Enforcement staff emailed the owner reminding him of the refused planning application and seeking clarification of their intentions.
- 3.22 On 22nd September 2017 the owner rang Enforcement staff advising their intentions to appeal the decision.
- 3.23 On 4th January 2018 Enforcement staff emailed the owner advising that the Local Planning Authority would be seeking approval from the Development Control Committee to authorise the issuance of an Enforcement Notice should the current use of the property as a hotel not cease within 2 weeks.

3.24 On 10th January 2018 Enforcement staff were contacted by the owner advising they would reconsider their decision to wait the 6 months allowed to make an appeal to the planning Inspectorate and that they would inform the Enforcement staff as to their intentions within the next 4 weeks.

3.25 No further communication has been received from the property owner since.

4 Appraisal

4.1 Principle of Development

4.2 National Planning Policy Framework, Core Strategy (2007) Policies KP2, CP1, Development Management Document (2015) policies DM1, DM3 and DM12

4.3 Tourism and cultural industries within Southend are important for sustained economic growth in the Borough. Visitor accommodation is an important part of the tourism sector, which is emphasised in the Southend-on-Sea Local Economic Assessment 2013. Policy DM12 of the Development Management Document states that it is necessary that the Borough Council manages growth of visitor accommodation in a sustainable manner that positively contributes to the Borough's regeneration and economic objectives.

4.4 Whilst it is accepted that there are many sites in Southend that can accommodate future hotel sites, there is a need to prioritise locations and sites to ensure that hotels are directed to where they can deliver the greatest benefit. The priority areas are the Southend Central Area, London Southend Airport and close to the Seafront.

4.5 Policy DM12 is clear that hotel development that is directly associated with the airports operations will be supported. London Southend Airport is located 2-3 miles from the property. It is considered that due to its distance from the airport, as well as its distance from the other outlined 'key areas', the principle of development is objected to as it would compete for a share of the wider Southend market and would undermine potential growth in those key locations, resulting in detrimental impacts upon sustainable tourism and economic growth in the Borough.

4.6 There are no specific policies relating to the loss of an HMO and therefore no objection is raised to the loss of the previous use as a small HMO. However, the loss of residential accommodation is a factor which weights against this scheme being granted consent. Other material considerations are discussed below.

4.7 Design and Impact on the Street Scene

4.8 National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009)

4.9 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in 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. "

- 4.10 No external alterations or additions were carried out in order to facilitate the change of use. Furthermore, it is not considered that the change of use would conflict with an extant planning permission for a dwelling to the rear of the site. For these reasons it is not considered the change of use would result in demonstrable harm to the character and appearance of the building or the wider area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy policies DM1 and DM3 of the Development Management Document DPD2 and the Design and Townscape Guide
- 4.11 **Traffic and Transportation**
- 4.12 **National Planning Policy Framework; Core Strategy policies KP2, CP4, CP3; policy DM15 of the Development Management Document and the Design and Townscape Guide.**
- 4.13 The site is served by an existing vehicle access from Southbourne Grove. Policy DM15 of the Development Management Document states that for hotels, a maximum of 1 off-street parking space is required per bedroom. Therefore, 6 parking spaces are required. The refused application stated that 2 off-street spaces are provided at the rear of the site. However, the guesthouse is listed on numerous booking sites on the internet whereby it is stated that no parking is available for guests and on-street parking should be used. The parking plan proposed also conflicts with the approved plans for an extant planning permission for a dwelling at the rear of the site. It is therefore considered to be strongly likely that no parking will be provided for the proposed use of the site
- 4.14 The Council's Highways engineer raised an objection to the guesthouse use as the off-street parking provision fell short of the required standards. Whilst it is accepted that the guesthouse is marketed towards airport users who are likely to stay for one of two nights, it is necessary to consider the sustainability of the application site. The site is not located within convenient walking distances to a full range of facilities and services and would result in an increase of journeys reliant on a car which would not accord with the core principles of the NPPF.
- 4.15 The site is located off a one-way classified road which does not benefit from on-street parking. Limited on-street parking available within Southbourne Grove is restricted to resident permit holders only (between the hours of 9.30am and 4:30pm). It was therefore considered that the six bedroom hotel with no parking would be contrary to policy DM15 of the Development Management Document and advice contained within the Design and Townscape Guide and would result in additional on-street parking stress and demonstrably negative impacts upon the free flow of traffic and highway safety in the area to a detrimental effect.
- 4.16 **Conclusions**
- 4.17 The planning application was refused for the following reasons
- **The proposed guesthouse is not located within any of the 'key areas' which prioritises areas for visitor accommodation within the Southend Central Area, at London Southend Airport and close to the Seafront. Therefore, the principle of development is objected to as it would**

compete for a share of the wider Southend market and would undermine potential growth in those key locations, resulting in detrimental impacts upon sustainable tourism and economic growth in the Borough, contrary to Policy DM12 of the Development Management Document (2015) and the general principles of the National Planning Policy Framework.

- The proposed development fails to provide any vehicular or cycle parking for guests and therefore is likely to result in a demand for on-street parking, to the detriment of highway and pedestrian safety and the free flow of traffic, contrary to guidance contained within the National Planning Policy Framework and Development Management Document (DPD2) Policy DM15.

4.18 The reasons for refusal cannot be easily overcome due to the physical location and constraints of the site and it is considered that the continued use of the property as a guesthouse/hotel is detrimental to highway and pedestrian safety and neighbourhood amenity due to the lack of off street parking as well as being an unacceptable location for a hotel in principle.

4.19 It is therefore concluded that enforcement action is necessary, justified and proportionate in this case. It may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable and expedient and in the public interest to pursue enforcement action to require the discontinuance of the use of the property as a hotel/guest house.

5 Relevant Planning History

5.1 17/01059/FUL – Change of use from HMO (Class Sui Generis) to Guesthouse (Class C1) Retrospective – REFUSED 12/09/2017

5.2 16/01266/FUL - Demolish existing outbuildings, erect two storey dwelling house with layout parking, cycle storage, bin store and amenity space on land to rear of 164 Southbourne Grove - APPROVED 27/09/2016

5.3 16/00077/FUL – Change of use from house in multiple occupation (Class C4) to larger house in multiple occupation (Sui Generis). – WITHDRAWN 04/05/2016

6 Recommendation

6.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the cessation of use of the property as a hotel/guesthouse for the reasons outlined in the paragraphs above.

6.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

- 6.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the cessation of use could take effect immediately but a compliance period of 1 month is deemed reasonable.

164 Southbourne Grove, Westcliff on Sea

