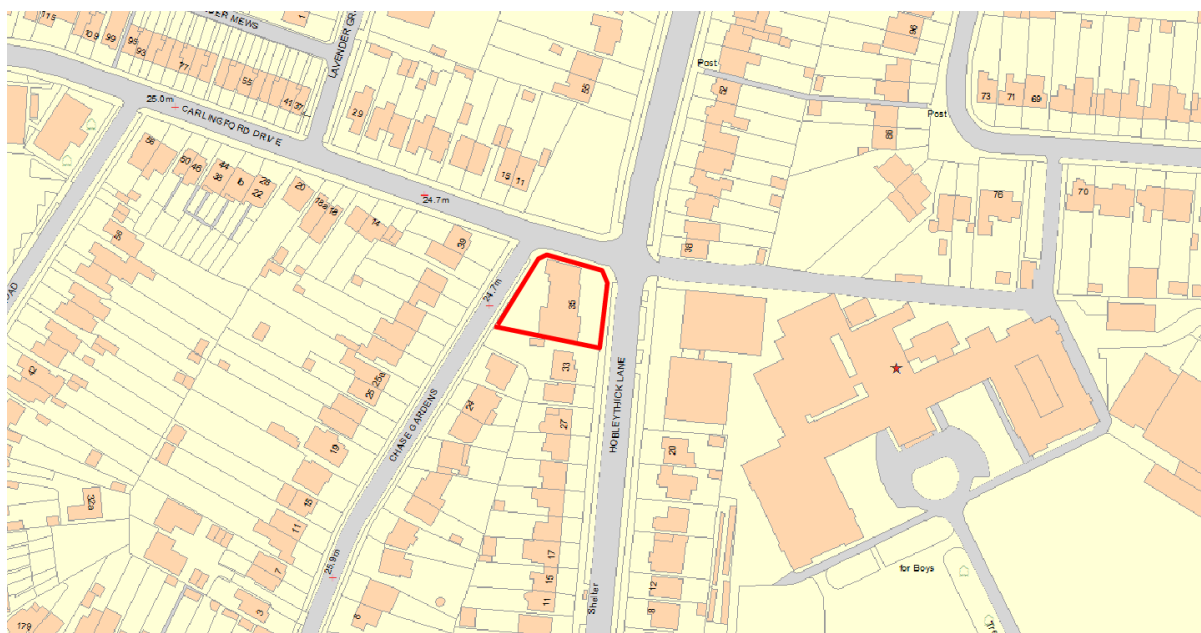


Reference:	21/00781/FUL	
Application Type:	Full Application	
Ward:	Prittlewell	
Proposal:	Change of use from care home (Class C2) to 15 bed HMO (Sui Generis) with associated amenity space, parking, cycle and bin store	
Address:	Meyrin House, 35 Hobblythick Lane, Westcliff-On-Sea	
Applicant:	Vivienne Goddard	
Agent:	Union 4 Planning	
Consultation Expiry:	27th May 2021	
Expiry Date:	12th July 2021	
Case Officer:	Robert Lilburn	
Plan Nos:	Sht-1, Sht-2 Existing Plans, Sht-2 Proposed Plans, Sht-4, Sht-5	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a two-storey, and part single-storey, detached building at the junction of Hobleythick Lane, Carlingford Drive and Chase Gardens. The building is a former residential care home for the elderly (use class C2), which the applicant states closed some three years ago.
- 1.2 The building is finished externally in white-painted render with some half timbering to the front elevation together with facing brick and red roof tiles. Pedestrian access leads through a front garden from Hobleythick Lane, and a vehicular access opens onto Chase Gardens. There is a rear car parking area surfaced in asphalt which includes a bin storage point. The submitted plans indicate that 6 parking spaces are available.
- 1.3 The site is located within a predominantly residential area characterised principally by detached and semi-detached houses and flats and with a school site opposite. The site is not specifically identified on the policies map of the Development Management Document. It is located within flood zone 1.

2 The Proposal

- 2.1 The application proposes the change of use and conversion of the building through internal works only to a 15 bedroom house in multiple occupation (HMO). The submitted plans show that the development would provide six rooms of 'single occupancy' size and nine 'twin/double occupancy' rooms further to the adopted Essex HMO Amenity Standards. The applicant has described the accommodation as 7 double rooms and 8 single rooms- and confirmed that the intention is for accommodation for up to 22 persons.
- 2.2 The accommodation would be laid out as follows:

Ground floor:

Staff cupboard and WC;
Self-contained office and laundry spaces;
2no. self-contained WC/ wash basin spaces;
Ancillary storage;
Lounge dining space of 98.8sqm floor area;
Kitchen 25.9 sqm
5no. bedrooms measuring from some 13.2sqm-17.5sqm, each en-suite.

First floor:

Ancillary storage;
1no. communal WC/bathroom;
6no. en-suite bedrooms measuring some 9.9sqm-16.5sqm;
4no. bedrooms measuring some 8.8sqm-10.5sqm sharing the communal WC/bathroom.

- 2.3 Access would remain as existing and a lift would remain in situ. No external alterations are proposed to the physical fabric of the building.
- 2.4 The existing 6 car parking spaces would be retained. The submitted plans show that 15 bike stands would be provided at the rear of the building, together with a bin storage area. No other alterations are proposed to the layout of the external curtilage.

- 2.5 The application is supported by a Planning Statement.
- 2.6 The application has been called into Development Control Committee by Councillor D Garston.

3 Relevant Planning History

- 3.1 21/00249/FUL: Change of use from Care Home (Class C2) to five self-contained flats (Class C3), alter rear elevation, layout car parking, and amenity space. Approved.
- 3.2 20/01854/FUL: Change of use from Care Home (Class C2) to five self-contained flats (Class C3), alter rear elevation, layout car parking, and amenity space. Refused.
- 3.3 10/01280/FUL: Erect single storey extensions to front and rear. Approved.
- 3.4 04/01395/FUL: Erect single storey extensions to front and rear (Amended proposal). Approved.
- 3.5 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

4.1 Public Consultation

7 neighbouring properties were notified and a site notice was posted. 39 letters of representation have been received from 37 addresses objecting to the application and the concerns raised are summarised as follows:

Need for and principle of development

Site should be maintained as a care home.

Development does not address demand or need for family housing in the area.

No need proven for this type of accommodation locally.

Proposal does not provide specifically for use by hospital staff.

Vulnerable and troubled people should not be housed near schools.

Impacts on pupils from nearby nursery and schools.

Impacts on character and appearance of the area

Transient nature of occupiers and smaller units out of character with quiet residential surroundings of larger family dwellings.

The room sizes shown could allow for accommodation for up to 24 people.

Potential poor maintenance of building and grounds.

Effects of antisocial parking on verges.

Impacts on amenities of surrounding residents and amenities of area

Likely to be occupied by undesirable people being smaller units.

Anti-social behaviour.

Crime and fear of crime.

Impact on amenities of noise including occupiers and comings and goings of staff and occupiers.

Overshadowing and loss of light to nearby properties.

Harm to neighbours amenity

Living conditions of future occupiers

Overcrowding and poor standards of accommodation.

Impacts on highway safety

Lack of car and cycle parking for occupiers and visitors and associated parking problems, bearing in mind demand for parking due to proximity of schools and health services and existing parking problems.

Traffic congestion on Chase Gardens and Hobbeythick Lane with associated risks to emergency services and position on major bus route.

Impact on highway safety including users travelling the wrong way down Chase Gardens and dangers to school children.

Other matters

Effect on reputation of adjacent school.

Capacity of infrastructure such as water and sewage.

Concern at notification and consultation process.

Mistakes within application.

This application should not be even considered.

Alternative uses for community purposes should be considered.

Impacts on property values.

Negative aspects of proposal are outweighed by any benefits.

- 4.2 In addition, a petition has been received objecting to the application with some 60 names, raising the following concerns:

Impact on character and quality of the area including concerns around anti-social behaviour, noise and pollution, potential illegal activities, overcrowding, parking problems and alcoholism.

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

4.4 **Environmental Health**

No objection.

4.5 **Highways**

There are no highway objections to this proposal. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. The site is also close to the Prittlebrook Cycleway.

There are no formal parking standards for HMOs. The applicant is proposing 6 off street parking spaces and 10 cycle parking spaces. The applicant should ensure that 15 secure cycle parking spaces are provided.

Consideration has been given to the previous use of the site which had the capacity to generate a comparable number of vehicular movements. Future occupiers will not be eligible for a residential parking permit within the surrounding area. It is not considered the application will have a detrimental impact on the local highway network.

4.6 Fire Service

No objections, subject to informatives relating to water supplies for firefighting and sprinkler systems.

4.7 Private Sector Housing

4 of the 15 bedrooms do not have en suite facilities. This may be an issue regards the number and position of shared toilet and washing facilities as unless those 4 bedrooms have exclusive use of the first-floor bathroom and exclusive use of the ground floor toilet all 15 rooms will have access and then the plans would not be compliant with the licencing requirements.

Room sizes are suitable either for double or single occupancy. Kitchen facilities cannot be commented on due to lack of detail, but space and amenities should be sufficient to meet Essex Standards. All room doors to be FD30 standard. An HMO Licence will be required.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP2 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM6 (The Seafront) DM7 (Dwelling mix, size and type) DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 Essex HMO Standards (2018)

5.7 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

5.8 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on neighbour amenities, living conditions for future occupiers, parking and highways implications, sustainability including RAMS and CIL.

7 Appraisal

Principle of Development

- 7.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed. Paragraph 61 of the NPPF notes that housing for different groups should be assessed and reflected in local policies.
- 7.2 Paragraph 11 of the NPPF states that the presumption in favour of sustainable development means that *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless... any adverse impacts of doing so with significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 7.3 Paragraph 117 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.
- 7.4 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to promote sustainable development which is consistent with the Council’s strategic objectives and to direct the siting of development through a sequential approach, minimising the use of ‘greenfield’ land.
- 7.5 Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.6 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 the University of Essex. The policy notes that campus-style living arrangements can reduce pressure on other elements of the housing stock. Southend-on-Sea Borough Council’s development framework does not currently contain any policies that specifically relate to HMOs.
- 7.7 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.8 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough.

- 7.9 The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.10 Policy CP6 is relevant to the established use of the site and seeks to ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met. It seeks to provide for health and social care facilities and to support improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies. Policy DM9 states that the Council supports independent living and avoid an over-provision of residential care, together with improvement of existing provision.
- 7.11 It has been identified in application 20/01854/FUL that there is a surplus of care homes and placements for older people in the borough. The home had closed following an 'inadequate' (Care Quality Commission) CQC rating. There was therefore no objection to its conversion away from a residential care use and no material changes in the wider circumstances have been identified to support a new objection on this basis.
- 7.12 The surroundings are low-density residential. As a residential use the proposal conforms generally to the character of the surroundings. An HMO is a higher-density residential use, but this is not materially at odds with the predominantly residential character of the surroundings or the established use of the building. The submission identifies the care home as formerly providing for up to 16 residents. The proposal would provide for up to 22 occupiers. This is not considered to be an uncharacteristic increase in density in principle and detailed impacts are considered in subsequent sections of this report.
- 7.13 The proposal would re-use existing land and buildings to provide additional dwellings.
- 7.14 The dwellings would be non self-contained accommodation. The proposal due to its nature and size of accommodation would be of a type which would not be suitable for families. The greater need for housing as identified by the SESHMA is for family dwellings.
- 7.15 The proposal would nonetheless provide a level of accommodation suitable for individuals or couples. The introduction to the Essex HMO Amenity Standards notes that *"Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation"*. In these circumstances, the provision of additional housing is a consideration which should be given increased but modest weight in a balancing exercise.
- 7.16 The proposed accommodation would not be specifically tied to any occupation of occupier or any particular institution. This would not preclude the occupation of individual units by, for example students or temporary employees of such institutions. Not tying the proposed use to any nearby employers or institutions would not justify a refusal of planning permission in its own right and most HMOs are not linked to a specific employee or institution.

- 7.17 There is no objection to the loss of the established use at the site and as a residential use the proposal would accord with the predominantly residential character of the surroundings. The proposal would not provide family accommodation but would provide additional non self-contained dwellings. The site is located within reasonable proximity of and public transport accessibility to Southend Hospital, the University of Essex campus and the airport, for example.
- 7.18 There is no objection to the principle of the creation of an HMO in this location, as it would be an effective use of previously developed land. This is subject to other material planning considerations being suitably addressed, and these are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.19 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.20 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*” and that “*proposed development [should] make a positive contribution to the local area*”.
- 7.21 The building is already in a higher density type of use and weight should be attached in the decision-making balance to the fact that it has an established use for institutional purposes with the attendant types of external activity which may be associated with that. For example, any resumption of a care home use here would reasonably be expected to have deliveries of provisions, waste collection etc. The provision of 15 bedrooms is not inconsistent with this density of occupation. No external alterations are proposed to the building. No increase in the extent of on-site parking is proposed which could otherwise materially affect the site's appearance and the contribution which its soft landscaped currently grounds make to the street scene and local character. The provision of appropriately sized and secured covered cycle storage and refuse and recycling storage can be reasonably accommodated within the site subject to conditions.
- 7.22 The development would not materially affect the external appearance of the building and the necessary alterations within the site curtilage would not be significantly harmful. The proposal would maintain to a reasonable degree the character and appearance of the surroundings and is judged to be acceptable and policy-complaint on these grounds.

Impact on Residential Amenity

- 7.23 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

- 7.24 Given that no physical alterations are proposed and attaching weight to the prevailing lawful use of the site the development would not materially alter the relationship of the building with neighbours in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight. Given the size of the site curtilage, proposed refuse storage and cycle storage can be reasonably addressed through conditions in the interests of visual amenities and neighbour amenities as well as suitability for the use of occupiers.
- 7.25 The level of occupancy proposed, up to 22 persons, would result in an increased level of activity on site compared to the established C2 use. However, on balance it is not considered that any substantially harmful noise and disturbance or pollution to the extent that it would cause material detriment to the amenity of neighbouring occupiers would arise from the proposed use as HMOs are generally compatible with a residential setting. The Council's Environmental Health team raised no objections to the scheme.
- 7.26 The development is acceptable and policy compliant in regard to its impact upon the amenities of neighbours and the wider area. As explained below the occupation levels however would require a controlled reduction from 22 to be able to satisfy other detailed considerations.

Living Conditions

- 7.27 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.
- 7.28 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 6.5m² for single and 10.2m² for double bedrooms and that the accommodation shall have some communal areas, such as a living room, kitchen, diner.
- 7.29 The Council has adopted the Essex Approved Code of Practice with respect to HMOs and this document represents a material planning consideration when read along with the above policy table, 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)	

Table 2: Minimum requirements for kitchen facilities

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
All Shared Kitchens										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2*	2*	2#			
7	10	2.8	4 double	6	2*	2*	2#			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			
Kitchens in individual lettings (Bedsits and Studios)										
1 or 2	4.5	1	2 double	2	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with BS 6575
					or a safely located combination microwave/oven/ grill					

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	

7.30 As already discussed, nine of the proposed bedrooms would meet the standard to accommodate two bed spaces and six would meet the standards to accommodate one bed space. The proposed internal layout would result in the premises providing some 25.9sqm of shared floorspace for kitchen and some 98sqm for lounge/dining facilities. Only 11 bedrooms would benefit from private (en-suite) bathrooms.

It is proposed to provide three shared WCs at ground floor level and one shared bathroom/WC at first floor.

- 7.31 On the basis of the communal facilities that would be offered, it is considered that all bedrooms should be limited to be used as single bedrooms and the maximum number of occupants should therefore be limited to 15. In line with the approach taken by the Inspector when determining an appeal at 73 Salisbury Avenue (APP/D1590/W/19/3236129), the number of bedrooms and occupants can be limited with a planning condition.
- 7.32 All rooms would benefit from acceptable outlook and natural light. The proposed external space would be adequate for 15 occupants as communal amenity. Subject to limiting the number of occupants, the proposal would not result in substandard quality of accommodation or be significantly harmful to the living conditions of future occupiers. Subject to conditions, the development is acceptable and compliant with policy in the above regards.

Traffic and Transportation Issues

- 7.33 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.
- 7.34 The adopted parking standards do not include any specific requirements for HMOs. The proposal would not provide any additional vehicle parking beyond the existing six car parking spaces. The established use of the site as a residential care home attracts a maximum standard of 1 space per resident staff and 1 space per 3 bed spaces/dwelling units.
- 7.35 The site is in a reasonably accessible location, in close proximity to bus routes and employment hubs. It should be noted that Inspectors at appeals have accepted that HMOs in the Borough do not generate significant traffic movements or parking need. Highway officers have confirmed that they have no objection to the scheme on parking or highways grounds.
- 7.36 The application proposes 15 cycle spaces in exterior racks. This would not be an acceptable standard of provision. There is scope within the site to provide secure covered cycle storage at a rate of 1 cycle space per dwelling unit at the site and this can be reasonably secured through a condition.. The development would not materially harm highway safety or the free flow of traffic. The development is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.37 The proposed provision of 15 bedrooms attracts a policy requirement for a designated area for waste and recyclable storage. This area should include two recycling (1100 litre) containers, two waste (1100 litre) containers, a paper and card container and one food waste (140 litre) container. The location of the bin area should not be more than 25m from the edge of the highway.

- 7.38 The provision shown on the submitted plans would not meet the quantum of the required standard. The proposed location would be accessible by residents and collection crews. Subject to a condition requiring further details and the provision of a bin storage facility, the proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.39 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 (lpd) (110 lpd 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”*.
- 7.40 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. It is considered that the requirements for renewable energy and restrictions on water usage could 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. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Ecology and Essex Coast RAMS

- 7.41 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (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.
- 7.42 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. The RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in October 2020 requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.43 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document SPD.

Community Infrastructure Levy (CIL)

- 7.44 The proposed development is a large HMO which falls outside of Use Classes C3 and C4 and is 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.

8 Conclusion

Having taken all material planning considerations into account and attaching significant weight to the existing lawful use of the site, it is found that the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable. The development consists principally of a conversion with no external changes to the building and only limited changes to the site's external setting and appearance. The proposal would provide additional housing in the Borough. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking, the character and appearance of the application site, and the street scene and locality more widely. It would also provide satisfactory living conditions for its proposed occupiers with the conditions proposed. Appropriate mitigation for habitats impacts has been provided.

9 Recommendation

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: Sht-1, Sht-2 Existing Plans, Sht-2 Proposed Plans, Sht-4, Sht-5.**

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

- 03. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building hereby approved shall not at any time be adapted to enable formation of more than 15 bedrooms and the property shall not have more than 15 persons residing in it at any one time.**

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 04. Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately sized, covered and ventilated refuse storage facilities for the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.**

Reason: In the interests of the living conditions of future occupiers, and the amenities of the area, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 05. Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately secure, covered cycle storage facilities for the development comprising provision for no fewer than 15 cycles, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.**

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

- 06. The six existing car parking spaces in the areas shown on approved plan Sht-1 shall be available prior to the first use of the HMO hereby approved and retained for the lifetime of the development for the purposes of car parking solely for residents of the approved use on site and their visitors.**

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of the Development Management Document (2015).

- 07. Prior to occupation of the development 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.**

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

08. 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 they are occupied.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

09. The development shall not be occupied until details of the measures to be put in place to ensure that the occupiers of the 4 bedrooms without en-suite facilities have been provided with adequate toilet and washing facilities. The development shall thereafter be occupied only in full accordance with the approved details and maintained as such in perpetuity.

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

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.

10 Informatives:

01. 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) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.

03. The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.