

Reference:	21/02525/FUL	
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Change of use from existing 6 bed HMO (Class C4) to 7 bed HMO (Sui Generis) with bike store to rear and refuse store to front	
Address:	11 Wesley Road, Southend-on-Sea	
Applicant:	Mr Martin Saunders	
Agent:	Krystal Architecture Ltd.	
Consultation Expiry:	21.01.2022	
Expiry Date:	17.02.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00 Design and Access Statement December 2021 – V2	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the western side of Wesley Road and is occupied by a two-storey, mid-terrace building of traditional design. According to the information provided in the application form, the building is currently used as a six-room House in Multiple Occupation (HMO). The surrounding area has a residential character. No planning related designations affect the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the change of use of the building from a six-room HMO, falling within the definition of Use Class C4, to a seven-room HMO which can accommodate more than six occupiers and would be a Sui Generis use. The additional bedroom would be formed from the conversion of the existing storage area at ground floor.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site.

4 Representation Summary

- 4.1 The application has been called to Development Control Committee by Cllr Dent.

Public Consultation

- 4.2 12 neighbouring properties were consulted and a site notice was displayed. Representations from two interested parties have been received. The objections and comments are summarised as follows:

- Impact on living conditions.
- Concerns about noise and disturbance
- Concerns about cycle parking access.
- Concerns about waste.
- Concerns about antisocial behaviour,
- Noise and disturbance from conversion works
- Loss of light from conversion works
- Over concentration of HMOs

- 4.3 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

Highways

- 4.4 There are no highway objections to this proposal the site benefits from being in a sustainable location with regard to public transport occupiers will not be eligible for a town centre or residential parking permit.

Environmental Health

- 4.5 No objection

Essex County Fire and Rescue Service

- 4.6 Comments on fire access, Building Regulations and water.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (updated 2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Housing Standards (2015)
- 5.7 The Essex HMO Amenity Standards (2018)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the impact of the development on the character and appearance of the area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, 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 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. Southend-on-Sea Borough Council's development framework does not currently contain any policies that specifically relate to HMOs. The NPPF states that where the development plan is silent the general presumption in favour of sustainable development should apply meaning that planning permission should be granted unless, "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 7.3 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 the creation or extension of an HMO in this location, subject to other material considerations. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.4 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.
- 7.5 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 Design and Townscape guide provide further details on how this can be achieved.
- 7.6 No changes to the exterior of the property are proposed as part of this application. 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

- 7.7 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.
- 7.8 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.
- 7.9 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 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. <i>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</i>	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	

7.10 The proposed rooms are shown as single occupancy and the sizes are as follows:

- Bed 1 - 9.8 sqm
- Bed 2 – 9.2 sqm
- Bed 3 – 11.3 sqm
- Bed 4 – 8.3 sqm
- Bed 5 – 12 sqm
- Bed 6 – 14.3 sqm
- Bed 7 - 8.5 sqm

7.11 The premises also provides some 18.6m² of shared floorspace for kitchen and dining. This communal area includes a small sofa area but this does not constitute a living room. The property also has a garden to the rear.

7.12 The proposal meets the Essex HMO Standards for a 7 person with 7 x single occupancy rooms without shared living space (each bedroom must be a min of 8.5sqm and the communal kitchen/dining area a min of 18sqm) with the exception of bed 4 which is 0.2sqm under this standard. On balance, given that this is only very marginally short of the standard, it is considered that this can, on balance, be considered acceptable. It is noted that 3 of the rooms are larger and that 1 meets the size requirements for double

occupancy however an HMO of 8 people would require a minimum of 24sqm of communal kitchen dining facilities which is more than is proposed. Therefore, it would be reasonable in this instance to limit all the rooms to single occupancy. The proposal is acceptable and policy compliant on this basis.

- 7.13 All rooms would benefit from acceptable outlook and natural light. The communal amenity space to the rear would be sufficient for the proposed development. On this basis and subject to conditions, the development is considered acceptable and in line with policy in the above regards.

Impact on Residential Amenity

- 7.14 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.*”
- 7.15 The nearest neighbouring residential properties to the application site are the properties at 9 and 13 Wesley Road, the attached properties on either side of the application site. No physical alterations are proposed as part of this application so there would be no impact on neighbours’ amenity in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight. The level of occupancy would not give rise to any unduly harmful noise and disturbance or pollution to the material detriment of the amenity of neighbouring occupiers. HMOs are generally compatible with a residential setting. The development is acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.16 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.
- 7.17 The parking standards do not include any requirements for HMOs. The proposal would not provide any parking. The site is in a sustainable location, in close proximity to public car parks and within reasonable walking distance from Southend’s main bus station and local services and amenities in the town centre. A cycle store of a size to accommodate 7 cycle spaces, one per room, is shown in the rear garden. The provision of this can be secured by condition prior to occupation of the additional room. Subject to this condition the proposal is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

Refuse and Recycling Storage

- 7.18 The submitted plans show triple bin storage in the front garden. This is considered to be reasonable provision for the number of occupants. The proposal is acceptable and policy compliant in this regard subject to a condition requiring this facility to be implemented prior to occupation of the additional room.

Equality and Diversity Issues

- 7.19 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)

- 7.20 As the development does not create more than 100m² 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.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development would be acceptable and in line with the objectives of the relevant local and national policies and guidance. The development, is, subject to conditions, considered to offer acceptable living conditions for its current and future occupiers and to have an acceptable impact on the highway safety and parking conditions of the area. The development would also result in an acceptable impact on neighbouring residential amenity and can provide adequate refuse and recycling storage for the maximum number of occupiers which is to be controlled through a planning condition. This application is, therefore, recommended for approval subject to conditions.

9 Recommendation

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 permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building, the accommodation in which is being extended under the provision 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) people 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 04** Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until at least seven (7) secured and covered cycle parking spaces have been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which have been previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The cycle provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (Rev 2021) and the Design and Townscape Guide (2009).

- 05** Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until secure refuse and recycling store has been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which are previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The refuse and recycling provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (Rev 2021), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 06** 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 (2021), 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).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.

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) or the Council's website (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 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.**