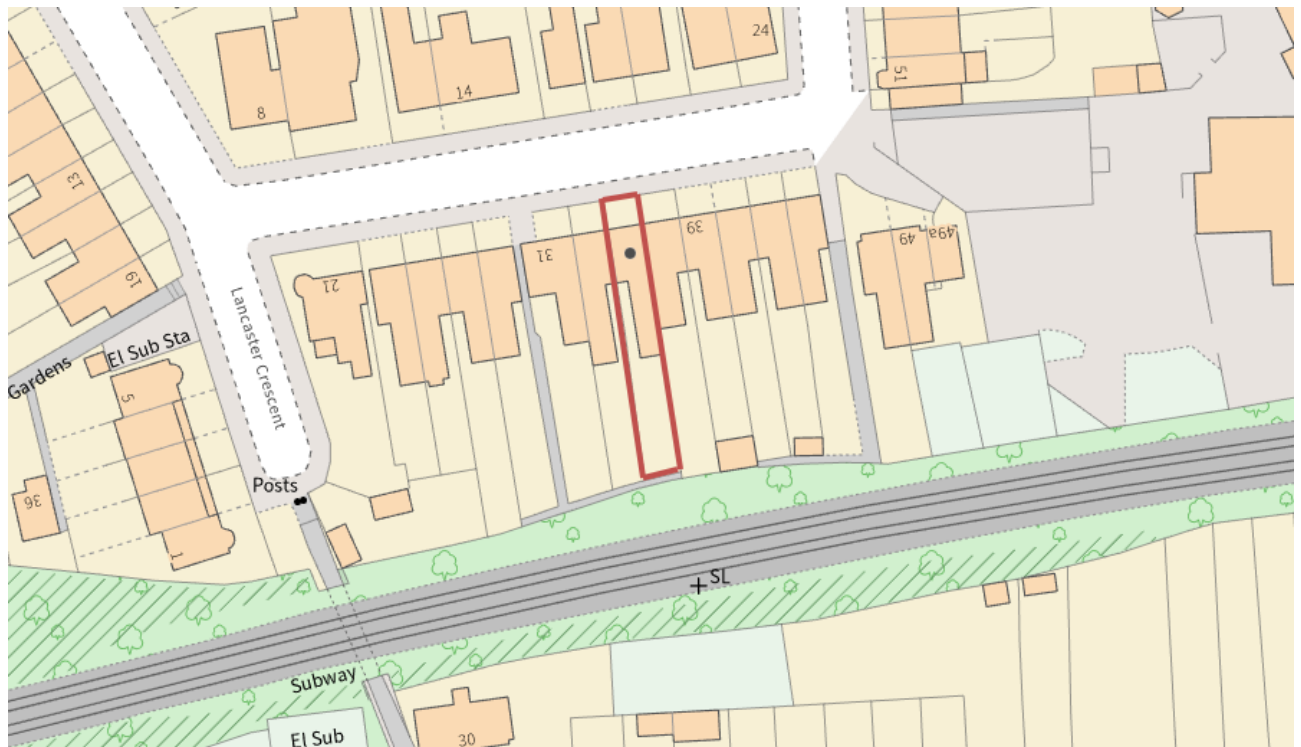


Reference:	23/00058/FUL	
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Change of use from residential dwellinghouse (Class C3) to House of Multiple Occupation (HMO) (Sui Generis Use Class) (retrospective) and alterations to elevations including first floor oriel window.	
Address:	35 Lancaster Gardens, Southend-On-Sea, Essex SS1 2NS	
Applicant:	Mr Jonathan Warwick	
Agent:	Mr Mike Spurgeon of Phase 2 Planning	
Consultation Expiry:	01.07.2023	
Expiry Date:	07.07.2023	
Case Officer:	Scott Davison	
Plan Nos:	LG/NAK/01 Rev C – 22/06/23, LG/NAK/02 Rev C – 22/06/23, LG/NAK/03 and Location Plan	
Additional information:	Planning Statement dated January 2023 ref. C22139	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



Site and Surroundings

- 1.1 The application site is on the southern side of Lancaster Gardens and is occupied by an extended two-storey terraced dwelling with a rear dormer and rooms in the roof. The C2C railway line is to the rear of the property. The front curtilage of the property is hard surfaced and accessed by an existing crossover. The surrounding area is residential in character and comprises largely of two storey terraced dwellings. The site is in flood zone 1 and is not within a conservation area or subject to any specific policy designations.

2 The Proposal

- 2.1 Planning permission is sought retrospectively for a change of use from a seven-bedroom dwellinghouse (Use Class C3) to a nine-bedroom house in multiple occupation (HMO) (Sui Generis). The building is accessed from Lancaster Gardens. There are changes to the external elevations of the building including the proposed insertion of an oriel window in the flank elevation of the outrigger at first floor level and changes to the window arrangement on the ground floor of the outrigger from two windows as approved in 2016 to a single window, which is retrospective and seeks to regularise this change. No other external changes are proposed. Internally a utility space and drying room would be formed within the communal dining area at ground floor level. There are 2 bedrooms on the ground floor as well as a communal kitchen, dining and sitting room, a utility room, a drying room and two WC's. There are five bedrooms (one with en-suite) and a bathroom on the first floor and two bedrooms with a 'Jack-and-Jill' bathroom room (i.e., with two doors and accessible from two bedrooms) within the roof space. There is a 17m deep rear garden area of some 96 sqm. The submitted plans show one on-site parking space to the front of the site.

Bedroom 1 (GF)	14 sqm
Bedroom 2 (GF)	12.3 sqm
Bedroom 3 (FF)	19.7 sqm
Bedroom 4 (FF)	12 sqm
Bedroom 5 (FF)	7.2 sqm
Bedroom 6 (FF)	7.2 sqm
Bedroom 7 (FF)	11.3 sqm
Bedroom 8 (SF)	8.7 sqm
Bedroom 9 (SF)	8.6 sqm

- 2.2 The planning statement notes that the application site has been used as an HMO since 2017 and this change would have been carried out under permitted rights, however it states that occupation levels have varied between 6 persons and 9 persons during this period. No Certificate of Lawfulness exists for this C4 HMO use or has been applied for although this is not obligatory. The application form states the use as an HMO commenced on 28/02/2017. Private Sector Housing have confirmed that a licence was granted for an HMO on 1 October 2018. The HMO is licensed for 9 rooms and 9 persons and expires on 30 September 2023.
- 2.3 Revised plans have been received during the course of the application in regard to the formation of an oriel window in the flank elevation of the building and to amend drafting errors. Neighbours have been consulted in this respect.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning and Enforcement History of the Application Site

Reference	Description	Outcome
16/01208/FULH	Erect two storey rear extension	Granted
16/01207/CLP	Dormer to rear to form habitable accommodation in roof with roof lights to front (Lawful Development Certificate - Proposed)	Lawful – Certificate Granted
	ENFORCEMENT	
20/00322/UCOU_B	Use as large HMO	Case Closed as the site is operating as a 6 bed Use Class C4 HMO.
20/00380/BRCN_B	Breach of obscure glazed window condition	Case closed.
22/00054/UCOU_B	Unauthorised use as larger HMO (sui generis)	Case Closed as the site is operating as a 6 bed Use Class C4 HMO.
22/00243/UCOU_B	Use as large HMO	Pending consideration.

4 Representation Summary

Call-in

4.1 The application has been called in to Development Control Committee by Councillor Dent.

Public Consultation

4.2 Seven (7) neighbours were notified of the application by letter and a site notice was displayed. A second round of neighbour consultation was undertaken due to amended plans being received. A total of 20 representations have been received including 15 letters of objection from 11 addresses, including four from the same address and two from another address. Five letters have been received in support of the application. They are summarised below:

Objections:

- Negative impact of HMO on character and the community of the area.
- Design concerns.
- Too many HMOs in the area.
- Is excessive, size and density concerns. Overdevelopment.
- Concerns over waste causing litter and vermin, noise disturbance and anti-social behaviour.
- Concerns over increased traffic and insufficient parking and that it would exacerbate existing parking problems.
- Highway and pedestrian safety concerns due to parking on frontage with cars overhanging the highway and cars blocking access to the building.
- Conflict given proximity to school.
- Residential amenity concerns including noise and disturbance.
- Overlooking of neighbouring dwelling and no right of access to the rear of the site.

- Privacy concerns.
- Concerns relating to retrospective nature of the application and previous breaches of conditions.
- Concerns that the rooms are not single occupancy.
- Reduces house prices in the area.
- Oriel window out of character. This window was previously conditioned to be obscure glazed and fixed shut.
- Unauthorised internal bathroom at first floor and concerns raised regarding building regulations and noise as a result.

[Officer comment: the comments relevant to material planning considerations have been taken into account but are not found to represent a reasonable basis for refusing the application in the circumstances of this case]

Support

- Property is well maintained and professionally managed. Site is occupied by working professional persons who are respectful and keep the property clean and keep noise levels to a minimum.

Environmental Health

4.3 No objections.

Private Sector Housing (PSH)

4.4 No objection. PSH have confirmed that the property has been licensed since 2018.

Highways

4.5 No objections.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

5.3 Technical Housing Standards – Nationally Described Space Standards (2015)

5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).

5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.6 Southend-on-Sea Design and Townscape Guide (2009)

5.7 Southend-on-Sea Technical Housing Standards Policy Transition Statement (2015)

5.8 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)

5.9 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.11 The Essex HMO Amenity Standards (2018)
- 5.12 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 design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, the standard of accommodation, traffic and parking implications, refuse and recycling storage, mitigation for impact on designated sites (RAMS), and CIL liability.

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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 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 Southend, providing approximately 40% of the additional housing that is required to meet the needs of the City. Policy CP8 (1) also expects 80% of residential development to be provided on previously developed land. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City and states in paragraph (2) that it will resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the City, the need to safeguard an adequate stock of single family dwellinghouse, and to protect the character of residential areas;
- 7.3 Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would formalise the loss of a single-family dwelling, but an HMO use of this dwelling was initiated under permitted development provisions. It has continued in shared use since that time. The development results in the creation of one large HMO which is a modest contribution to the housing supply of the City.
- 7.4 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. This 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."
- 7.5 Irrespective of the retrospective nature of this application, the planning considerations for the development must be assessed on their merits. The dwelling has already been

converted to a six-person HMO within Use Class C4 under the provisions of the General Permitted Development Order, without the need for express planning permission or prior approval by the Local Planning Authority. The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. In the circumstances of this case there is no objection to the principle of an HMO in this location, subject to the material considerations discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.6 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.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.8 Changes to the external appearance of the building are proposed as part of this application which includes the provision of a first-floor oriel window in the flank elevation of the already extended rear outrigger. An oriel window is a form of bay window generally found on upper floors which protrude from the wall of a building. This is not visible from the public domain. It would only be seen from the neighbouring attached and nearby dwellings, and it is considered that it would integrate acceptably with the dwelling not significantly harming the character and appearance of the building or the wider surrounding area. During the course of the application, drafting errors on the plans were identified. The two-storey extension to the outrigger approved in 2016 originally included two ground floor, single windows, however, the development as built includes one large window in lieu of the two smaller windows. This change to the fenestration integrates acceptably within the building and is acceptable in design and character terms. Subject to adequate waste arrangements, addressed later in this report, the development is considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene, the rear garden scene and the area more widely.

Amenity Impacts

- 7.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.10 HMOs are generally compatible within a residential setting. The nearest neighbouring residential properties to the application site are No's 33 and 37 & 37A Lancaster Gardens attached either side of the application site. The first-floor oriel window proposed in the outrigger at first floor level is somewhat contrived but will prevent direct overlooking of the neighbouring property at No.33. This room's window presently has obscure glazing, required as a condition of the 2016 permission. It is proposed to impose a condition so that clear glazed window panels within the proposed oriel would allow

views to the rear of the site and all other window panels would be obscure glazed with limited openings to prevent harmful impacts on neighbours' amenity in terms of loss of privacy and direct overlooking. This change would ensure that the occupiers of this room would be provided with light and outlook which is within the limits of acceptability without harming the adjoining residents' amenity. On balance, this element of the development would not result in any harmful impacts in terms of loss of outlook or result in an undue sense of enclosure or an overbearing relationship or a loss of daylight and sunlight over and above the existing situation nor which would be demonstrably harmful when assessed on its own merits.

- 7.11 There is another existing window in the flank elevation at first floor level. It serves a room which was used as a bedroom prior to the 2016 two storey extension and given its historic use and relationship with the neighbour at No.33 it is not considered reasonable to impose any conditions requiring its clear glazed nature or outlook to be restricted. The change made to the ground floor windows in the outrigger creating one larger window are not considered to harm neighbouring amenities in any significant regards given its location and nature. No other physical alterations are proposed as part of this application.
- 7.12 The proposed rooms will be single occupancy only and the site is licensed by PSH for 9 rooms and 9 persons. Given the fallback position of use a 6 person HMO under Use Class C4 or as a 9-bedroom single family dwelling, it is considered that an increase to a maximum number of 9 people as the level of occupancy proposed would not give rise to demonstrably harmful noise disturbance or pollution that would warrant refusal of the application on such amenity grounds.
- 7.13 The development is acceptable and policy compliant in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.14 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.
- 7.15 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 6.5sqm for single and 10.2sqm for double occupancy. It also states for non-self-contained accommodation, each bedroom must have a convenient layout that provides appropriate hanging storage space for clothes; a study desk and chair; and shelving storage for books.
- 7.16 The Council has adopted the Essex Approved Code of Practice with respect to HMOs and this document represents a material planning consideration when read with Policy DM8, although it is noted that the Code of Practice is not an adopted 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	

- 7.17 The blue blocked table sets out the standards for shared facilities in terms of kitchen and living / dining areas.
- 7.18 All of the HMO rooms within this development meet the minimum size requirement (6.5 sqm) for single occupancy rooms, with shared kitchen/living/dining/utility facilities on the ground floor. When assessed against the Essex Approved Code of Practice (highlighted with an arrow in table 1), five of the nine rooms meet the size requirements for double occupancy rooms with shared facilities (i.e., 10.22sqm). So, in theory the application property could potentially accommodate a maximum 14 people in terms of bedroom capacity, subject to the application property meeting the other relevant criteria for an HMO of that size.
- 7.19 The current HMO license for a maximum of 9 persons was granted in October 2018 for five years. Private Sector Housing have confirmed that they usually only issue licences for the maximum number of persons requested on the licence application and the information submitted indicates that the rooms are restricted to single occupancy units. A planning condition can be imposed restricting the formation of any more than nine bedrooms and no more than nine residents, justified in planning terms and irrespective of separate licensing controls, by the following factors.
- 7.20 Firstly, the shared kitchen / sitting room facilities are some 31.3 sqm and would be sufficient for a max of 9 residents according to the above standards (i.e., the standards have a requirement for 14sqm for a shared kitchen for 8-10 residents and 15sqm for a shared living dining room for 9 residents, so a total of 29sqm is required for 9 residents).

The development provides a reasonable external amenity space to the rear and in this regard 9-person occupation is considered to be within the limits of acceptability. Finally, some due weight has been given in this overall balanced assessment to the fallback position for use as a 6 bed HMO. The dwelling shown as existing has 7 bedrooms (at first and second storey levels) and is understood to be the former position when a C3 single family dwelling. In this regard 9-person occupation is a modest increase in number and impact, whereas less weight would be given for any greater number of potential residents when assessing the comparative impacts of the use and living conditions created for its occupiers.

- 7.21 On the above basis the development is in practice reasonably capable of providing accommodation for up to 9 persons within the required standards and site circumstances.
- 7.22 One of the first-floor bedrooms is served solely by an obscure glazed flank window which was required to be obscure glazed under the 2016 planning permission to prevent overlooking and loss of privacy. This window would be removed, and an oriel window inserted which would provide an outlook and levels of daylight which are considered on balance to be within the limits of acceptability. As such, it is considered that each of the HMO bedrooms would have adequate light and outlook. All of the bathrooms would meet the minimum 2.2sqm required.
- 7.23 Overall, when taken in the round and subject to conditions limiting the occupancy of the HMO in terms of room formation and number of occupants the development and dependent on the provision of an oriel window with obscure glazing to its side, the proposal is considered acceptable and in accordance with policy in the above regards.

Traffic and Transportation Issues

- 7.24 The NPPF states (paragraph 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”
- 7.25 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. 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.
- 7.26 The site is in a sustainable location, within reasonable walking distance to and from the centre of Southend as well as local services along Southchurch Road. The lawful use of the site as a dwellinghouse would attract a minimum standard of two parking spaces. Bearing in mind that the application site has been used as a six-person HMO without the need for planning permission, the development in situ is not considered to have harmed highway safety, traffic or the parking conditions of the area. As part of a balanced assessment, it should be noted that Inspectors at appeals have generally taken the view that HMOs in the City do not generate significant traffic movements or parking need.
- 7.27 The parking, traffic and highway safety impacts of the development in situ are considered to be acceptable. Highway officers do not object and note that the site has an historical vehicle crossover and confirm that one vehicle would be acceptable in this location but note that any vehicle that may protrude over the highway could lead to

Highway related enforcement action being taken.

- 7.28 An existing shed to the rear of the site is in the location of the proposed cycle parking on the block plan. The Planning Statement says an external cycle store would be provided to the rear which can be accessed from a rear alleyway however during a staff site visit this was partially blocked with fence panels and garden waste. Taking account of the Essex Approved Code of Practice Standards which states, "Where required, planning permission is likely to be dependent on the provision of either adequate vehicle parking and/or secure cycle storage for the number of occupants," subject to a condition requiring the provision of a minimum of 9 secure and covered cycle parking spaces within the site no objection is raised on this basis. This can be reasonably accommodated within the confines of the site and subject to such a condition, the development is acceptable and policy compliant in relation to traffic and transportation issues.

Refuse and Recycling

- 7.29 The submitted plans do not show waste storage facilities. There is space within the curtilage of the site for adequate provision. There were two waste bins located in the front curtilage of the site observed on a site visit. A condition is recommended requiring full details of these screened facilities to be approved and then provided, subject to which no objection is raised on this basis.

Sustainability

- 7.30 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." This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.31 No details have been submitted with the application to demonstrate whether the development meets the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or if/how the water consumption is limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area. Subject to conditions, this aspect of the development is, therefore, considered to be acceptable and policy compliant in these regards.

Ecology and RAMS

- 7.32 The proposal would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees. 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). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.
- 7.33 The development has changed from a C3 use to an HMO (sui generis). Whilst the proposal results in a material change of use, the development does not result in any

additional uplift in the number of dwellings at the site, so the RAMS payment is not applicable in this instance.

Community Infrastructure Levy (CIL)

- 7.34 As the development does not create more than 100sqm 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.

Equality and Diversity Issues

- 7.35 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.

Conclusion

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

8 Recommendation

Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby approved shall be retained in accordance with the approved plan: LG/NAK/01 Rev C – 22/06/23, LG/NAK/02 Rev C – 22/06/23, LG/NAK/03 and Location Plan.**

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

- 02 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development hereby approved shall not at any time be adapted to enable formation of more than nine (9) bedrooms and the property shall not be occupied by more than nine (9) residents at any one time.**

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers having regard to the need for commensurately sized shared kitchen facilities and sufficient external amenity facilities and to protect the amenities of neighbouring occupiers and the character of the area in

accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 03** Within three months from the date of this permission, the development hereby approved shall be provided with at least 9 on site, secured and covered cycle parking spaces which shall be made available for use by the occupiers of the development and their visitors in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The cycle parking shall then be implemented and made available for use within two months of the date of the approval of the details and in complete accordance with the agreed details. If the secure covered cycle parking is not implemented and/ or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The approved cycle parking shall be retained for the lifetime of the development.

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 Southend-on-Sea Design and Townscape Guide (2009).

- 04** Within three months of the date of this grant of planning permission, the development hereby approved shall be provided with secure, screened and covered refuse and recycling storage which shall be available for use by the occupiers of the development in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The secure and covered refuse and recycling storage shall then be implemented and made available for use within two months of the date of the approval of the details and in complete accordance with the agreed details. If the secure and covered refuse and recycling storage is not implemented and/or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as a 9 bedroomed HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The approved cycle parking shall be retained for the lifetime of the development.

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 Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 05** Within 3 months from the date of this permission 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. If such details are not submitted to the Local Planning Authority and approved in writing within 3 months of the date of this permission the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The energy efficiency and other sustainability measures shall then be implemented within two months of the date of the approval of the details and in complete accordance with the agreed details. If the energy efficiency and other sustainability measures are not implemented and/ or made available for use in full accordance with the details approved under this condition within 2 months of the date of the approval of the details by the Local Planning Authority the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The energy efficiency and other sustainability measures shall be implemented for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Within 3 months from the date of this permission, 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. If such details are not incorporated within 3 months of the date of this permission the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (Use Class C3) until such time as they are. The water efficient design measures shall be implemented for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 07** Within 3 months from the date of this permission, the development hereby approved shall be provided with a first floor oriel window in the west elevation that shall be glazed in obscure glass to the side and rear facing panels (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale. If the

oriel window is not implemented and/ or made available for use in full accordance with the approved, the use as a 9-bedroom HMO shall cease and revert either to use as a six bed HMO (Use Class C4) or as a single family dwellinghouse (use Class C3) until such time as they are. The oriel window shall be implemented for the lifetime of the development.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

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 will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.