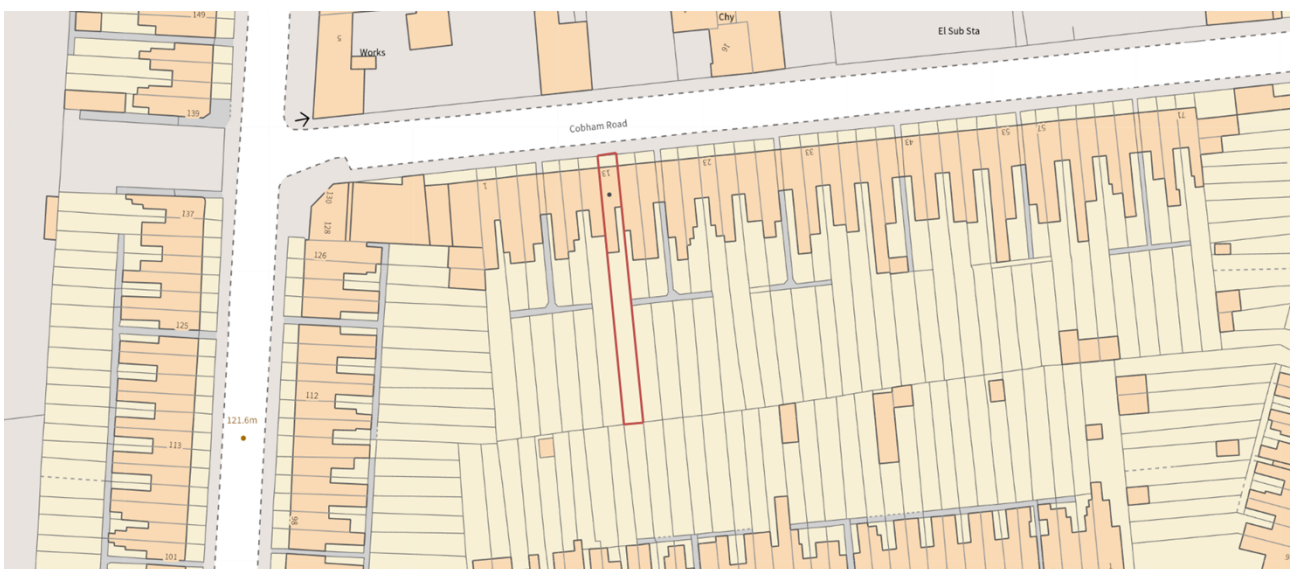


Reference:	23/00443/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Change of use from hotel (Class C1) to 15 bed HMO (Class Sui Generis), install rooflight, infill window, layout bin store to front and bike store to rear
Address:	13 Cobham Road, Westcliff-on-Sea, Essex SS0 8EG
Applicant:	Mr Ben Adler of Green Eagle Estates Ltd
Agent:	Mr Dwight Breley of Breley Design Ltd
Consultation Expiry:	3rd May 2023
Expiry Date:	2nd February 2024
Case Officer:	Kara Elliott
Plan Nos:	1537-01, 1537-02/D, 1537-03, 1537-04
Supporting Documents:	Feasibility Study by Easy Estates Group dated 31.10.2023, Marketing and Sales Information by Dedman Gray dated 31.10.2023 ref MP/DEN; Design and Access Statement
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



Site and Surroundings

- 1.1 The application relates to a three-storey hotel building on the west side of Cobham Road situated within a principally residential area. The area is characterised by an additional provision of guest houses and residential institutions.
- 1.2 The site falls within a key visitor accommodation area, is not within a conservation area, does not relate to a listed building and is within Flood Zone 1. The Leas Conservation Area is located approximately 30m to the south of the site. The site is not subject to any site-specific allocation in the Development Management Document.

2 The Proposal

- 2.1 Planning permission is sought for a change of use from a hotel (Class C1) to a 15 bed HMO (Sui Generis). A rooflight is proposed to serve the ground floor kitchen and a window to bedroom 10 will be infilled, but otherwise there are no external changes proposed to the building. Parking and bin storage is shown to the front and a bike store within the rear garden, which is some 81.5sqm. An existing outbuilding to the rear would be removed to facilitate the bike store.
- 2.2 This application follows a previously refused 2022 application (ref. 22/01375/FUL), detailed in the section 3 below. To seek to overcome the previous reasons for refusal, this application is supported by a Marketing Assessment and Feasibility Study and evidence regarding the previous use. The layout has also been revised to improve the standard of accommodation and the number of proposed HMO rooms has been reduced from 18 to 15. The appropriate RAMS payment has been received.

3 Relevant Planning History

- 3.1 05/00419/FUL: Use hotel (Class C1) as residential care home for children with learning disabilities (Class C2). Refused for the following (1) reason:
 1. *The proposed change of use would be prejudicial to the viability and attractiveness of Southend on Sea as a seaside resort by reason of the loss of visitor accommodation, contrary to Policy L7 of the Borough Local Plan.*
- 3.2 22/01375/FUL - Change of use from hotel (Class C1) to 18 bed HMO (Class Sui Generis), layout bin store to front and bike store to rear – Refused for the following (3) summarised reasons:
 1. *The application does not demonstrate that the established use as a hotel is not feasible or viable. The site is located within a key area for visitor accommodation and on this basis the proposal is found to be harmful to the provision of visitor accommodation within the city.*
 2. *The development would provide poor living conditions for future occupiers, given the daylight and outlook conditions for Room 5 and overlooking received at Room 12. The application has also not demonstrated that satisfactory living conditions can be achieved for the second-floor rooms in terms of the provision of light and outlook and sufficient floorspace with a usable head height.*

3. *The development offers no reasonable mitigation of the in-combination effect of the net increase of one HMO on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).*

4 Representation Summary

Public Consultation

4.1 Forty-five (45) neighbouring properties were notified of the application by letter and a site notice was posted. Ten (10) letters of representation have been received from 8 (eight) addresses objecting to the proposal which are summarised as follows:

- Loss of visitor accommodation at suitable location;
- Overconcentration of HMO/flats residential uses;
- Effect upon character of building and of residential area;
- Possibility of 30 occupiers
- Impacts upon amenity of neighbours and the wider area including noise, litter, personal safety, security;
- Amplification of amenity issues arising from similar facilities;
- Effects on any nearby vulnerable residents;
- Waste management concerns;
- Would not meet HMO standards / poor quality of accommodation;
- Fire and safety concerns;
- Accessibility concerns relating to the established building;
- Crime and anti-social behaviour with associated safety impacts and disruption;
- Insufficient parking
- Dis-amenity and traffic impacts of additional parking for residents and visitors / not a sustainable location;
- Impacts on infrastructure and local services demands;
- Overdevelopment of site and area;
- Effect on property values;

Officer comment: The comments in the representations have been taken into consideration in the assessment of the application but not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

4.2 Highways

No objection. Off street parking has been provided for 6 cars which are accessed via an existing vehicle crossover. Secure cycle parking has been provided to the rear of the site. Future occupiers will not be eligible for a residential parking permit.

Consideration has been given to the previous use of the site and the traffic movements associated with that use. It is considered that the site is in a sustainable location with regard to public transport therefore no highway objections are raised.

4.3 Environmental Health

No objection subject to condition in relation to sound insulation.

4.4 Private Sector Housing

No objections. Confirm that the property was previously run as an unauthorised large HMO.

4.5 **Essex Police**

No objections. Welcomes liaison to secure Designing-out-Crime measures.

[Officer comment: The applicant has taken professional advice and has provided details of Designing-out-Crime measures to be implemented].

5 Procedural Matters

5.1 The application has been called in to Development Control Committee by Councillor S Habermel.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (2023)

6.3 National Design Guide (2021)

6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management).

6.6 The Southend on Sea Design & Townscape Guide (2009)

6.7 Essex House of Multiple Occupation (HMO) Standards (2018)

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

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

6.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Appraisal

Loss of Visitor Accommodation

7.1 Policy DM12 states: 1. *New visitor accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with the Seafront (the 'Key Areas'). Proposals must relate well to*

strategic routes and the distributor road network, have good public transport accessibility, and meet the requirements of other relevant planning policies.

2. Within the Key Areas in (1) visitor accommodation will be retained. Proposals for alternative uses on sites used (or last used) for visitor accommodation will be considered where it can be demonstrated that:

- (i) the site is no longer viable or feasible for visitor accommodation*; and*
- (ii) the proposal meets all other relevant planning policies.*

Where an alternative use is considered acceptable by the Council, applications that would contribute positively to the leisure, recreation and tourism offer in the Borough will be considered favourably.'

**Supporting text paragraph 5.37 and Appendix 4 Part A sets out the information to be provided.*

- 7.2 Paragraph 5.37 of the Development Management Document preamble to Policy DM12 states: *The loss of visitor accommodation could have an adverse impact on the resort character and economy within Southend. The Council will protect sites used, or last used, for visitor accommodation within the 'Key Areas' of Southend unless non-viability can be demonstrated. With regard to meeting Policy DM12.2(i), applications for change of use will need to be accompanied by:*

Proof of marketing for sale - for a continuous period of at least 2 years at a competitive price taking account of current trading performance and condition (Appendix 4, Part A, sets out the information to be provided in relation to marketing);

Evidence of business performance – including, details of occupancy and achieved occupancy rate data for the last 2 years along with accounts to explain how the business is performing in line with levels of occupancy typical of industry/ destination norms; and

Evidence of professional management – this includes details of marketing and business plans for the last 2 years to demonstrate investment plans and attempts made to attract business.

- 7.3 Appendix 4 Part A sets out detailed marketing requirements, the evidence for which should include demonstration of an active marketing campaign for a continuous 2-year period, which has shown to be unsuccessful. Detailed criteria are set out for the active marketing campaign and for the standard of information to be submitted.
- 7.4 Situated on Cobham Road some 130m from the beach, the site has a clear and strong relationship with the seafront. The site is considered to be within one of the 'key areas' of the city with respect to visitor accommodation in terms of Policy DM12. The proposal seeks to change the use of the building from a Class C1 Hotel use to an HMO. In this respect, the development results in the loss of visitor accommodation in a key area for a use that does not contribute positively to the leisure, recreation or tourism offer in the City.
- 7.5 The previous application was refused because the proposal failed to satisfactorily demonstrate the unviability of the hotel facility. Supporting the current application is a Marketing Assessment and a Feasibility Study. The submitted documentation states that the hotel closed more than 2 years ago and prior to its closure it was being operated by

the previous owner as an unlicensed HMO. As a result of associated impacts including for people living in that HMO a Private Sector Housing prosecution was successfully brought against that former owner. The applicant, who states that they now own the property, highlights that as the property was being run unlawfully as an HMO by the previous owner, it is not possible for him to provide either evidence of business performance or evidence of a marketing business plan as none was prepared by the vendors. The applicant's feasibility statement concludes that an increase in rooms in the area over the last 12 years by some 146% and certain trends hospitality (e.g. low cost/budget accommodation/AirBnB) have resulted in a reduced rate for hotel rooms.

- 7.6 The submitted documentation also provides information from local agents Dedman Gray who confirm that they marketed the property between August 2022 and January 2023 (when it sold to the applicant) which states that all (10) enquiries received by them were for interest in the property as an HMO or short-term letting for private individuals and no interest was received in relation to reinstating the former hotel use. The statements explain that the property has been marketed with no success and set out a number of contributing factors to the property's unsuitability for a hotel use, including its derelict condition, past market experiences, renovation costs, local demand and potential social implications. It is stated in the submissions that the cost to bring the building back to a basic level for hotel operations is prohibitively high and the market has shown a disinterest in such an establishment.

- 7.7 The site is in an attractive position, a short walk to the town centre and seafront and is a prime location for tourism. The submitted supporting statements provide anecdotal evidence that the business as a hotel struggled and evidence that it is not attractive to buyers and it is acknowledged that this relatively small scale of business will be less able to cope with reduced bookings over an extended time period than the larger hotels or short term lets. It is recognised that the current marketing information is an improvement on that provided with the previous application but given that the policy requirements in this case have only partially been met, justification for the loss of the hotel use has not been sufficiently demonstrated and will need to be weighed in the balance against the public benefits of the proposal which are discussed in detail below.

New Housing

- 7.8 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 63 of the NPPF notes that housing need for different groups should be assessed and reflected in local policies.
- 7.9 Paragraph 11 of the NPPF states 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:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.10 Paragraph 123 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.

- 7.11 Core Strategy 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. Policy DM3 seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.12 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.
- 7.13 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 its needs. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.14 The application proposal would provide non-self-contained accommodation for up to 15 occupiers. The submitted plans show that the existing hotel has 15 bedrooms, plus what appears to be managers' accommodation. The surroundings contain a mix of land uses but are generally residential in character. As a residential use the proposal does not conflict with the character of the surroundings in principle. This conclusion is consistent with the basis of decision for the previous application.
- 7.15 The surroundings are subject to pressures from the density of housing as a result of factors including the historic subdivision of houses to flats, small front gardens and limited parking, in an area with a degree of parking stress. Detailed impacts are considered in subsequent sections of this report.
- 7.16 The proposal would re-use existing land and an existing building to provide additional dwelling units in the form of non-self-contained accommodation. The proposal, due to its nature and size of accommodation would not be intended for families.
- 7.17 The figures of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) show that there is a significant need for housing in the City. 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 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.
- 7.18 The proposal would provide a level of accommodation suitable for individuals with a number of rooms large enough to accommodate 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."
- 7.19 Whilst the proposal would not result in any dwellings suitable for families, the provision of additional housing carries weight in the assessment of the application, particularly in light

of the NPPF's tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the City.

Design and Impact on the Character of the Area and impact on Heritage Assets

- 7.20 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.
- 7.21 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 contributes 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.
- 7.22 The Design and Townscape Guide also states that the “...*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.*”
- 7.23 In determining this application, the Council has a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In relation to the impact of a proposal on a designated heritage asset the NPPF states at para 205 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 7.24 The building is already in a higher density type of use and weight is attached in the decision-making balance to the fact that it has an established use of similar density for visitors to stay in overnight, with the attendant types of external activity which may be associated with that. For example, any hotel use here would reasonably be expected to have deliveries of provisions, waste collection etc. The provision of 15 HMO rooms is not unreasonably inconsistent with this density of occupation. One new rooflight is proposed to the rear of the property and a rear side window to be infilled. No increase in the extent of existing on-site parking (6 vehicles) and associated hard standing is proposed. This is unchanged from the circumstances of the 2022 application (for more rooms) which was not refused on the basis of design and character impacts.
- 7.25 Prominently located bin storage at the front of the site is a negative aspect of the proposal. Alternative, suitably located and designed waste storage can be secured through a condition. It is considered that there are opportunities for less prominent, sensitively designed waste storage if set back from the highway or located within the rear or side and taken to the front of the site during collection days. This would represent a potential small improvement in longer views out from the Conservation Area.
- 7.26 The proposal would not materially affect the external appearance of the building and subject to the stated conditions the necessary alterations within the site curtilage need not be significantly harmful to visual amenity. On this basis therefore, subject to conditions, it is considered that the development proposed is such that it would not result in any harm

to the character and appearance of the site, the streetscene and the area more widely, including the character, appearance and setting of the Leas Conservation Area. The proposal is therefore considered to be acceptable and policy compliant in those regards.

Impact on Residential Amenity

7.27 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.”*

7.28 The proposed rooflight would not materially impact the amenities of neighbouring occupiers. Attaching weight to the prevailing lawful use of the building as a hotel the proposal would not materially alter the relationship of the building with neighbours in terms of outlook, sense of enclosure, dominance, daylight or sunlight.

7.29 The proposed internal layout has been altered following the previously refused scheme. This includes a first floor flank window serving Room 12 being infilled so mitigating any possible overlooking concerns to No 15 Cobham Road to the north. Privacy and overlooking impacts would be acceptable.

7.30 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.

7.31 The level of occupancy proposed, up to 15 persons, would result in a changed profile of activity on site compared to the established hotel use. Given HMOs are generally compatible with a residential setting, as found through appeal cases, the proposed 15 person HMO use would not be identified as causing noise, disturbance or pollution that would be likely to materially harm the amenity of neighbouring occupiers. The Council's Environmental Health service have raised no objections to the application, subject to conditions. This position is consistent with the basis of decision for the 2022 application for 18 occupants. The proposed 15 single person, 15 room capacity of the HMO can be controlled through a planning condition which is justified having regard to the amenity impacts explained in the living conditions section below. Such an occupancy level restriction is also considered to be justified by the following. The 2022 application for an 18 room HMO with 6 parking spaces was not refused on Highway grounds. It follows within the Highways section of this report that the highway and parking implications of this 15 bed HMO proposal with 6 parking spaces are found to be acceptable. The layout and size of rooms in this building would enable a theoretical occupation by up to 28 persons. In those circumstances, given the unrestricted parking within the immediate locality of the site, and notwithstanding the nearby public transport facilities, it is considered that the site's 6 space parking provision would be likely to result in materially increased pressure on the availability of roadside parking, to the detriment of residents within the vicinity of the site.

7.32 As open market living accommodation, it would not be reasonable to seek to impose detailed conditions in relation to management of the building or its occupiers. In this context concerns relating to anti-social behaviour for example can be appropriately governed by other regulatory frameworks.

7.33 Consistent with the basis of decision for the previous 2022 application, the proposal is considered acceptable and policy compliant in its impact upon the amenities of neighbours and the wider area, subject to conditions.

Living Conditions

7.34 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.

7.35 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 the Policy Table which states that a minimum bedroom size should be 6.5m² for single and 10.2m² for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.

7.36 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 (those applicable in Table 1 are highlighted blue)

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)	

*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves.

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	

*For properties with 6-9 occupants sharing there shall be a minimum of 2 wcs and 2 bathrooms and one of the wcs must be separate

7.37 The development would create a 15-bedroom HMO with proposed capacity for 15- persons. The proposed rooms are as follows:

Ground Floor

- Bed 1: 11.75sqm (3sqm ensuite)
- Bed 2: 16.3sqm (3.05sqm ensuite)
- Bed 3: 16.4sqm (2.6sqm ensuite)
- Bed 4: 17.7sqm (2.45sqm ensuite)
- Bed 5: 18.43sqm (4sqm ensuite)
- Bed 6: 8.94sqm (2.2sqm ensuite)
- Bed 7: 12.9sqm
- Kitchen/Living Area: 60sqm
- Utility Room: 8.54sqm
- Bathroom: 5.4sqm
- Cupboard: 1sqm

First Floor

- Bed 8: 11.5sqm (3.42sqm ensuite)
- Bed 9: 10.6sqm (2.5sqm ensuite)

Bed 10: 17.7sqm (3sqm ensuite)
Bed 11: 13.6sqm (2.7sqm ensuite)
Bed 12: 15.4sqm (3.8sqm ensuite)
Bed 13: 9sqm (2.4sqm ensuite)
Bed 14: 13.1sqm
Bathroom: 5.8sqm (note: incorrectly annotated as bedroom on plans)

Second Floor

Bed 15 22.1sqm (3.7sqm ensuite)
Kitchen 12.5sqm
Laundry/drying room (17.1sqm)
Balcony 7.1sqm

- 7.38 Following revisions to the layout made during the course of the current application, the proposal exceeds the above standards. Bedrooms 6 and 13 do not meet the 2 person occupancy standard and should be limited to single occupancy only. The 2022 application for an 18 bed HMO was refused partly due to unacceptable living conditions for future occupiers of two of its proposed rooms. Changes to the layout of the proposal and a reduction in the number of rooms have satisfactorily addressed those issues. All rooms in the current proposal would be of an acceptable size and would provide satisfactory light and outlook for their occupants.
- 7.39 The sole window serving room 4, would be overlooked by those using the rear amenity space. Car parking would be provided directly outside the ground floor front bedrooms (5, 6 and 7), which is a negative aspect of the proposal but an existing arrangement for the former hotel which provided front parking on an unmarked forecourt. It is considered that on balance, due to the relatively generous depth of this frontage area, the scope for lining in specific spaces and provision of defensible spaces and additional planting, including around room 4, which can be secured through a condition, and subject to relocation or redesigning of the waste storage, the development overall would provide satisfactory living conditions for its occupants.
- 7.40 The 81.5sqm rear garden amenity space would provide an acceptable external amenity space for 15 occupants as proposed and noting the site's location close to the seafront this is considered acceptable and is consistent with the findings for the 2022 application for a larger HMO. The useable amenity space will be limited to a degree by the defensible space required for room 4, and the necessary cycle and waste storage. Although proposed for a maximum 15 person occupation, the building's room layout and sizes would be capable of accommodating a theoretical maximum of 28 persons overall. In such circumstances it is considered that the external amenity space would be of inadequate size to serve the reasonable needs of occupiers and detrimental to their amenity. Partly for that reason it is considered necessary and justifiable to limit occupancy to the proposed 15 single person, 15 room capacity of the HMO which can be controlled through a planning condition.
- 7.41 Overall, the proposal is considered to result in adequate accommodation for all occupiers. It is considered the proposal has overcome the previous reason for refusal in this respect and that subject to the described conditions it would be acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.42 Paragraph 115 of the NPPF states 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.
- 7.43 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.
- 7.44 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 hotel attracts a maximum standard of 1 space per bedroom ie 15 spaces. 6 spaces are proposed to the frontage of the site. The partially tandem arrangement shown on the submitted plans would not be considered acceptable for this nature of use but there is scope within the site to provide 6 non tandem spaces, taking into account relocation of waste storage as described above, together with some new landscaping. This can be secured by condition.
- 7.45 The site is in a reasonably accessible location, in proximity to bus routes and Westcliff Rail Station. Inspectors at appeal have found that HMOs in the City do not generate significant traffic movements or significant parking need. Highway Officers have confirmed no Highways based objection to the proposal on parking or highways grounds. The 6 space provision is considered acceptable to serve the proposed 15 person HMO.
- 7.46 The application proposes 18 cycle spaces in exterior racks/hangers. This exceeds the 1 cycle space per unit standard but should be secure and covered. This can be reasonably secured through a condition.
- 7.47 On this basis the development would not significantly harm highway safety or the free flow of traffic. This finding is consistent with the basis of decision for the 2022 application for a larger HMO.
- 7.48 Further to the adopted Supplementary Planning Document (SPD), Every new residential dwelling with associated on plot car parking space is to have a charge point (active provision). This requirement also applies to buildings undergoing a material change of use to create a dwelling (such as here). The application does not identify specific provision and the standards do not specifically discuss HMO uses. In accordance with the adopted SDP a minimum of one active EVCP is considered reasonable and can be secured through a planning condition. The development is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.49 The proposed provision of 15 units attracts a policy requirement for a designated area for waste and recyclable storage. This area should include up to two recycling (1100 litre) containers, three 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.
- 7.50 The provision shown on the submitted plans would meet the quantum of the required standard. The proposed location would be accessible by residents and collection crews

but as noted above it would have a negative visual impact in the street scene and a small negative impact on longer views out from the nearby Conservation Area. It is considered that there is space for this facility to be relocated within the site i.e. further back from the highway and better designed, or at the rear and then brought to the front on collection days. Subject to a condition covering this, together with a waste management plan, the proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.51 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 (lppd) (110 lppd 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.”*
- 7.52 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources providing 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 or the setting of the nearby Conservation Area. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards subject to the stated conditions.

Ecology and Essex Coast RAMS

- 7.53 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.
- 7.54 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 £156.76 (index linked) is paid for an HMO. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.55 The RAMS tariff has been paid and as such the proposal would offer suitable mitigation for its in-combination effects on the designated sites.

Equality & Diversity Issues

- 7.56 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)

- 7.57 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 benefits from Minor Development Exemption and is not CIL liable.

8 Conclusion

- 8.1 The proposal has not fully addressed elements of Policy DM12 in relation to the loss of visitor accommodation for the City. A balancing exercise must be undertaken to determine whether the public benefits of the proposal outweigh harm caused in this case. The hotel use ceased operation some two years ago. Whilst the evidential base supplied by the applicant, and stated current owner of the building, is lacking when set against the normal policy requirements it would appear that there are reasonably justifiable circumstances for this, suggesting that the issues require consideration very much on their merits. In that regard, the feasibility statement does suggest that the prospects of this building returning to a hotel use in the current economic and hotel industry climate are not strong.
- 8.2 Weighing in support of the public benefits of the proposal are the provision of housing and the re-use of a vacant building. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. As noted above the amended proposal has overcome the previous reason for refusal in relation to the quality of accommodation for future occupiers and the proposed units are now considered to be good quality with ample shared facilities across the building.
- 8.3 The amended proposal has satisfactorily addressed the previous reasons for refusal in relation to the standard of accommodation for occupiers and RAMS. Overall, on balance, it is considered that, in this particular case, the public benefits of the amended proposal, including the provision of housing which as proposed would provide a good standard of accommodation are of sufficient public benefit to the City to overcome the proposal's deficiencies in not robustly justifying the loss of visitor accommodation.
- 8.4 This application is recommended for approval subject to conditions.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 With the exception of the proposed recycling and cycle storage provision referred to in condition 03 below, the development hereby approved, shall be carried out in full accordance with the approved plans: 1537-01, 1537-02/D, 1537-03, 1537-04.**

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

- 03 The development hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development and to include landscaping introduced to provide a buffer between the front parking area and the ground floor windows of Unit 4 have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season (October to March inclusive) following first occupation of the development. The details submitted shall include, but not limited to:**

- i. hard surfacing materials.**
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification; including details of additional planting to separate the parking areas from habitable room windows and room 04 from the communal amenity area.**
- iii. details of any permeable paving or other sustainable drainage measures to be implemented.**
- iv. all and any means of enclosing/subdividing the site.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 04 Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied unless and until details of secure and covered refuse and recycling facilities, together with a waste management plan, have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first**

occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 05** 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 it is occupied.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Prior to the first use of the building for the purposes 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. The energy efficiency and other sustainability measures shall be maintained 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 (2023), 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** Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied unless and until 6 car parking spaces have been provided on site in accordance with details of a marked car parking layout designed to maintain a satisfactory separation distance between parked cars and the front ground floor windows of the building, and to ensure no tandem parking, have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. At least 1 no. parking space shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be made available for use prior to first use of the development and shall be retained for the benefit of its future occupiers and their visitors for the lifetime of the development.

Reason: To ensure that satisfactory off-street parking facilities are provided at the site in the interest of sustainability, highway safety and residential amenity in

accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 08 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than fifteen (15) bedrooms and the property shall not be occupied by more than fifteen (15) residents at any one time with bedrooms six (6) and thirteen (13) only for single occupancy.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers and would not result in highways and parking issues resulting in a loss of amenity to neighbouring occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 09 Notwithstanding the details shown on the approved plans, the development hereby granted shall not be occupied unless and until details of secure, covered cycle parking for at least 1 no. bicycle per HMO room have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use of the development and shall be retained as such for the lifetime of the development.

Reason: To ensure that satisfactory cycle parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Prior to first occupation of the development hereby otherwise approved, elevations detailing the infilled window to bedroom 10 and including details of materials, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before the development is occupied.

Reason: In the interests the amenities of future occupiers, the amenities of neighbouring occupiers and visual amenity, pursuant to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

INFORMATIVE

- 1 You are advised that as the proposed development equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See 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.
- 3** The applicant is reminded of Essex Police Designing Out Crime security measures. Further information can be provided through contact with Essex Police at designingoutcrime@essex.pnn.police.uk
- 4** When seeking to discharge conditions 03 and 07 of this permission the applicant is advised to include additional soft landscaping to separate the proposed parking areas from habitable room windows and to protect the amenities of occupiers of room 04
- 5** Construction outside of normal hours

If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

- 6** Prior to any alteration to the existing building an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.
- 7** The applicant should have regard to the common parts of the proposed development and the fire safety in accordance with the Building Regulations 2000 (as amended) and The Regulatory Reform (Fire Safety) Order 2005 which is regulated by Essex Fire and Rescue Service.

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.