

<b>Reference:</b>	23/01735/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Change of use from dwellinghouse (Class C3) to short term let rental unit (Sui Generis) (retrospective)	
<b>Address:</b>	11 Hartington Road, Southend-on-Sea, SS1 2HR	
<b>Applicant:</b>	Mr And Mrs Grice	
<b>Agent:</b>	Mr Kunal Desai of KVD Plans Ltd	
<b>Consultation Expiry:</b>	7th December 2023	
<b>Expiry Date:</b>	2nd February 2024	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	<b>(23) 10/12 PL01</b>	
<b>Additional information:</b>	<b>None</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site relates to a 2 bedroom, three-storey terraced building operating without planning permission as a short term let rental unit. The site is on the western side of Hartington Road. The streetscene is characterised mainly by three storey dwellinghouses, some of which have been converted into flats and guesthouses. To the rear of the site is a public car park. The plot is small and an irregular triangular shape, with no rear garden or on-site parking provision.
- 1.2 The application site is within the Central Seafront Area, as defined by the Southend Central Area Action Plan (SCAAP). It is not within a Flood Zone.

## 2 The Proposal

- 2.1 The application seeks planning permission for change of use of the application property from a dwellinghouse (Class C3) to a short term let (sui generis use). The unit contains 2 bedrooms on the second floor and living room/bathrooms/reception/kitchen across the ground and first floors. The application is retrospective and has been submitted following an enforcement investigation.
- 2.2 The development has not involved any changes to the internal arrangement or exterior of the property.

## 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 History of the Application Site

Reference	Description	Outcome [Date]
92/0829	Use dwelling as House In Multiple Occupation and residential accommodation above shop as self-contained flat	Granted 09.12.1992
23/00201/UNAU_B	Enforcement Enquiry – Use as Short Term Let	Pending

## 4 Representation Summary

### Public Consultation

- 4.1 12 neighbouring properties were consulted a site notice displayed. No representations have been received.

### Environmental Health

- 4.2 No objection

### Highways

- 4.3 No objection. Comments: There are no highway objections to this proposal the site benefits from being in a sustainable location with regard to public transport. It is not considered that the proposal will have a detrimental impact on the local highway network.

## **5 Procedural matters**

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr T Cowdrey.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP1 (Employment Generating Development), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision)
- 6.6 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM12 (Visitor Accommodation), Policy DM15 (Sustainable Transport Management).
- 6.7 Southend Central Area Action Plan: Policy CS1: Central Seafront Policy Area Development Principles, Policy DS5 - Transport, Access and Public Realm
- 6.8 Southend-on-Sea Design and Townscape Guide (2009)
- 6.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.11 Waste Storage, Collection and Management Guide for New Developments (2019)

## **7 Planning Considerations**

- 7.1 The considerations in relation to this application are the principle of the development including the loss of the existing dwelling and provision of visitor accommodation, design and impact on the character and appearance of the area, residential amenity, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage, ecology mitigation for impact on designated sites and CIL liability.

## **8 Appraisal**

### **Principle of Development**

- 8.1 Paragraph 123 of the NPPF states that 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.
- 8.2 Paragraph 128 states that planning policies and decisions should support development

that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

- 8.3 Policy KP2 of the Core Strategy states development must be achieved in ways which “make the best use of previously developed land, ensuring that sites and buildings are put to best use”.
- 8.4 Policy CP8 of the Core Strategy states that the Council will ‘resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough.’
- 8.5 Policy DM3 of the Development Management Document states that ‘the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.’
- 8.6 The development has resulted in the loss of a dwelling. Council policies support the provision of housing. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery 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. Here, the former dwelling was not accommodation of a suitable size of families. This building has an unusual triangular shaped layout and at some 17.7sqm footprint is significantly smaller than its neighbours. It has no external amenity space. Although it could beneficially resume use as a dwelling, this would be limited in terms of its overall quality of living standards for its future occupiers.
- 8.7 The application retrospectively seeks to regularise change of use of the property from the former residential use to a short term let (sui generis) use, which enables the unit to be let on short term stay basis by visitors including leisure breaks. Regarding the provision of visitor accommodation, Core Strategy Policy CP1 seeks to promote economic regeneration in the city including supporting the city's regional potential as a hotel and conference resort. Policy CP1 supports contribution to the regeneration and development of the Town Centre and Seafront and support development which contributes to the vitality and viability of Southend town centre.
- 8.8 Development Management Policy DM12 supports the provision of new visitor accommodation but only in appropriate locations which are consistent with the regeneration and economic objectives of the City. In relation to ‘hotel locations’ it directs new provision to the central area, the airport and close to the seafront. The policy states that ‘The Seafront will not be considered as a defined area, [unlike the Central Area

which has a set boundary] but as relating to an area that clearly has a strong relationship with the Seafront. This relationship will be considered on a site-by-site basis and will take account of an area's function and connectivity with the Seafront and specifically whether there are clear, convenient and direct walking routes to the Seafront.' The application site falls within the defined central and seafront areas and is close to the seafront, a 2 min walk away to the beach, off the main esplanade. The site is within designated a visitor accommodation area whereby holiday accommodation is directed.

- 8.9 The development would result in the loss of a small, irregularly shaped and constrained unit of residential accommodation with no external amenity space and which is unsuitable for families. The proposal provides visitor accommodation within an appropriate location and taking all relevant factors into consideration the development is considered to be acceptable in principle.
- 8.10 The principle of the change of use is therefore considered to be acceptable and the development is in compliance with policy in the above regards.

### **Design and Impact on the Character of the Area**

- 8.11 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.
- 8.12 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.
- 8.13 No changes have been made to the building for this development and it is considered that, given the limited occupier potential, in planning terms, it has no material impact on the character of the streetscene or the wider area. The development is acceptable and policy compliant in this regard.

### **Amenity Impacts**

- 8.14 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.
- 8.15 Change of use to short term lets will result in a greater turnover of occupiers compared with the former dwellinghouse use. It is considered that this unit, due to its size and with no external amenity space, would not have a significantly harmful impact on neighbour's amenity. It is therefore considered that the development has no unacceptable impacts on residential amenity in any relevant regards. Environmental Health have raised no concerns in this respect. The development is therefore acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 8.16 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."
- 8.17 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 states that 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. Maximum parking standards are set out in relation to the proposed uses. The standards as per Appendix 6 of the Development Plan seek, for comparison purposes here, a maximum of 1 space per bedroom for hotel uses. A residential use of this site would require a minimum of 1 space to meet standards in the Central Area.
- 8.18 The property has no off-street parking at present. Hartington Road has residents permit parking between 9am and 6pm every day. The site is very near public car parks. It is therefore considered that there will not be a materially different highways impact arising from the development for a use as a short term lets and there would be no identified harm to highway safety or the highway network and no significant harm to parking conditions in the area. Highways raised no objection.
- 8.19 The development is therefore acceptable and policy compliant in this regard.

### **Waste and Recycling**

- 8.20 There is no rear amenity space on site including for waste storage. The applicant has confirmed that there is a waste and recycling bin in the unit and that any refuse bags that need to be taken out can be stored in the refuse bin on the front patio area. They state that some guests take the rubbish with them and that remaining waste is taken out on rubbish day by the applicant or one of the cleaners. The short-term rental unit is not generous in size but in view of any residual concerns which exist about potential build-up of waste storage in the front of the property, where it could detract from the appearance of the building and the streetscene it is considered reasonable and proportionate to require a waste management scheme to be submitted and agreed for the short-term rental use. This can be secured by the recommended condition.

### **Community Infrastructure Levy (CIL)**

- 8.21 As the development has not created any new floorspace it 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**

- 8.22 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**

- 8.23 For the reasons outlined above the development is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby granted shall be retained in accordance with the following approved plan: (23) 10/12 PL01.**

**Reason: To ensure the development accords with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).**

- 02 The development hereby approved shall only be used either as a short term let to provide visitor accommodation (sui generis) or as a single family dwellinghouse. It shall not be used for any other purpose.**

**Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development either maintains the provision of visitor accommodation within the City or makes a contribution to the City's housing stock and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).**

- 03 Within two months of the date of this grant of planning permission, a scheme of waste management for the building's use as short-term lets shall be 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 four months of the date of this permission the use as short-term lets shall cease until such time as they are. The waste management scheme shall then be implemented within one month of the date of the approval of the details and in complete accordance with the agreed details. The approved waste management scheme shall be maintained 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 (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM12 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).**

- 04 The maximum number of consecutive nights any guest may stay at the visitor accommodation available at the property hereby approved shall be limited to 90 nights. No guest shall stay at the visitor accommodation available at the property for more than 90 nights in any single calendar year.**

**Reason:** To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

### **Informative**

- 1** You are advised that as the development equates to less than 100sqm of new floorspace 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 [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.
- 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.