

Reference: 06/17/0047/F

Parish: Great Yarmouth

Officer: Mr Jack Ibbotson

Expiry Date: 23-03-17

Applicant: Mr D Rogers

Proposal: Change of use of property to a 7 Bedroom HMO

Site: 12/13 South Market Road, Great Yarmouth.

REPORT

1. Background/History:-

- 1.1 This application relates to the change of use of a dwelling (which has been subdivided into two units at some point, although no planning history shows this) to a HMO with seven bedrooms. The site has in the past been used as a HMO although through the Council's Environmental Health powers, the unlicensed use was stopped in 2015 for the HMO (no. 12), and the subdivided flatlet (No.13). The property has since been sold at auction and the current owner seeks to regularise the previously unauthorised use and make improvements and renovations to the building to bring the building into line with council policy. A potential source of tenants would be through the local charity Anchorage Trust.
- 1.2 The property is a three storey dwelling house, which is currently lying derelict, part of the buildings ground floor had been subdivided to form a small ground floor flat (19.0m2 approximately). Facing directly onto the road this property is opposite the rear of the Market Gates Shopping centre. To the rear of the property is a yard area with outbuildings and access onto a communal pathway. The ground floor currently has an entrance to the front and rear, sleeping accommodation at first floor and rooms in the roof making up a third floor. The flatlet has an access at the front of the property. There is no off street parking currently provided, although there is on street parking and nearby public and private car parking available. The property is located within close proximity to the towns bus station, shopping areas and services.
- 1.3 The property had been in use as a house in multiple occupancy according to council records around the time the Article 4 Area had been implemented in 2012. However Environmental Health enforcement action was taken against the previous owner in 2015 to cease the use as a HMO as no licence was in

place, and the building was in a poor state of repair sufficient to warrant this action. From my site visit it was clear that the previous owner had not ensured that the building provided an acceptable quality of accommodation either for the HMO or the subdivided flat.

- 1.4 To each side of the property there are adjoined single residential dwellings, both of which are of a much smaller scale than the current site. To the rear of the property and in the vicinity there are a number of flat conversions, along with existing HMO's as well as houses in single family occupancy and also commercial uses.
- 1.5 Planning permission is sought by the new owner for the use of the building as a 7 bedroom HMO with alterations both internally and minor external changes. The proposal would result in bringing the whole building back into a single unit, and replace a front door on the front elevation with a window. To the rear the yard area would be rationalised and also see cycle parking provided.
- 1.6 Internal alterations are comprehensive and have been the conclusion of detailed negotiation between the applicant and the council's Planning, Environmental Health, and Building Control teams. This has resulted in a scheme which provides:-
 - 1 bedroom at ground floor level (11.5m²)
 - 4 bedrooms at first floor level (19.0m², 9.5m², 9.8m², 10.1m²)
 - 2 bedrooms at second floor level (12.5m², 14.0m²)
 - 3 shower/WC rooms
 - Communal kitchen/dining area (18.5m²)
 - Separate communal sitting area (14.5m²)

2. Consultations :-

2.1 Neighbours –

Following a consultation process in line with the General Development Procedure Order which included a site notice and letters to neighbouring properties no letters of representation were received.

2.2 Norfolk County Council as Highway Authority –

NCC raised no objection to the scheme.

2.3 GYBC Planning Policy

Concern that situation of proposal may form 'clustering' of properties in multiple occupation as defined under remaining Policy HOU23 (D) of the 2001 Borough-wide Local Plan. Otherwise, generally in accordance with the Local Plan.

2.4 GYBC Environmental Health –

Following amendments to the scheme updated comments were received which support the application subject to bedroom 1 (what had formerly been the separate bedsit flat) having a egress window which meets building regulations, two internal doors to the ground floor kitchen area are to be fully certified FD30S fire door sets complete with factory fitted FRG30 rated viewing panels, and the dividing wall in room 5 is removed as to open up as one larger space.

2.5 GYBC Building Control –

Following the amendments being submitted Building Control have confirmed that the works are acceptable and would comply with current building regulations subject to all doors to habitable rooms being fitted with fire doors, and that bedroom 1 is provided with an escape window.

3 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

3.1 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

3.2 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

3.3 POLICY HOU23

THE CONVERSION OR CHANGE OF USE OF PROPERTIES TO BEDSITS
AND OTHER TYPES OF MULTI-OCCUPIED UNITS OF RESIDENTIAL

ACCOMMODATION WILL BE PERMITTED WHERE:

(A) THE SITE IS OUTSIDE AN AREA SHOWN AS 'PRIME HOLIDAY ACCOMMODATION' ON THE PROPOSALS MAP;

(B) THE CHARACTER AND AMENITIES OF THE LOCALITY WOULD NOT BE SIGNIFICANTLY ADVERSELY AFFECTED;

(C) THE SITE IS NOT IN AN AREA PREDOMINANTLY COMPRISING PROPERTIES IN SINGLE FAMILY OCCUPANCY;

(D) CLUSTERING OF PROPERTIES IN MULTIPLE OCCUPATION WOULD NOT OCCUR; *

(E) THERE IS NO PROPERTY USED AS A SINGLE UNIT OF FAMILY ACCOMMODATION DIRECTLY ADJOINING THE PROPOSED DEVELOPMENT;

(F) THE PROPOSED DEVELOPMENT AND ASSOCIATED FACILITIES COULD BE PROVIDED WITHOUT SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING OR NEIGHBOURING BUILDINGS;

(G) THERE IS ADEQUATE ON-STREET CAR PARKING AND THE ONSTREET CAR PARKING REQUIREMENTS OF THE PROPOSAL WOULD NOT RESULT IN MORE THAN 70% OF THE AVAILABLE 'OVERNIGHT' ON-STREET RESIDENTIAL PARKING PROVISION BEING EXCEEDED UNLESS ADEQUATE ALTERNATIVE PROVISION IS MADE; AND,

(H) THE BUILDING IS 3 OR MORE STOREYS HIGH OR MORE THAN 95SQ M FLOOR AREA.

(*Note: Clustering constitutes 3 properties in multiple occupation forming a continuous group, or 50% of the length of any continuous frontage or sharing common boundaries.)

3.4 POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE

RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

* ie. developments generally comprising not more than 10 dwellings.

4 Core strategy – Adopted 21st December 2015

4.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

4.2 POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

- Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
- Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
- Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
- In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs

b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites

c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16

d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)

e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

5. Assessment

- 5.1** The application for the change of use of the building formally to a House in Multiple Occupancy with 7 bedrooms raises predominantly an issue of policy compliance. Saved policy HOU23 of the Great Yarmouth Borough Wide Local Plan is a set of criteria by which to measure the potential impact of the development. Factors to be considered in particular are the impact upon the amenities of neighbours, the developments affect upon the character of the area, and quality of accommodation for future residents.

- 5.2** The council has a strong record on restricting the proliferation of HMO's, and in this instance, the central location and requirement for significant investment into the building do not overcome the issue of impact upon neighbouring amenity. The key policy by which this application is assessed is saved policy HOU23 (Bedsits and other multi occupied residential accommodation) of the Great Yarmouth Borough Wide Local Plan.
- 5.3** The use of the site as a HMO is contrary to certain criteria as set out in saved policy HOU23 but would also comply with other aspects of this policy. On balance the proposal is not considered acceptable as the harm to amenity to neighbours is felt to be significant enough to warrant refusal.
- 5.4** Working through the eight criteria set out in policy HOU23 the site complies with the following points (Parts A, B, C, D and H).
- 5.5** The dwellinghouse is outside a prime holiday area (part A). The general appearance of the building would be improved through the renovations and replacement of the second front door with a window, and bringing the property back into use after a prolonged period of vacancy would be positive. The character of the area is that typical of a town centre with a mix of uses both residential and commercial, and the proposed HMO use would not be out of character, nor would it dominate as there is a good mix of uses in this locality, Therefore this development would not adversely affect the character or amenities of the area (part B).
- 5.6** The area is not predominantly compromised of single family dwellings (part C) as there is a variety of residential tenure types and non-residential uses in the surrounding area. Additionally, there would not be a predominance of HMO's, or clustering of HMO's as the two neighbouring properties are residential dwellings in single occupancy, and there are a mix of flats and HMO's to the rear and further along South and Middle Market Road (part D). Additionally the building would comply with the size criteria being both over three floors, and exceeding the minimum space standard of 95 SqM (part H).
- 5.7** The criteria where the scheme is not wholly compliant are Part E, and G. Part E, sets out that no neighbouring adjoining property should be in occupation by a single family, in this case, both properties neighbouring the site are single residential dwellings, and therefore this application is not compliant.
- 5.8** Whilst the applicant asserts that the current occupancy of the two neighbouring dwellings is of single individuals, and not families as the policy sets out, it is not to say that this could change to single families in the future. Therefore whilst the wording of the policy doesn't specifically represent the current occupancy, it would appear to be contrary, or have to the potential to

be contrary should the occupation of the neighbouring properties change, which in itself would not need planning consent, or any other consent.

- 5.9** This criterion is particularly relevant, when considered alongside other criteria within the policy, specifically criteria F, which relates more to the actual impact of the development rather than arbitrary use class definitions. Criterion F sets out that if development can be provided without detriment to the occupiers of adjoining or neighbouring buildings then the use can be permitted.
- 5.10** Considering the significant scale of the development, with a negotiation only able to bring the number of rooms to 7, where occupation could be higher through double rooms, the intensity of development would be significantly greater than a single family living in the property. Whilst no objection was raised by current neighbours the issue of added noise and disturbance is a serious concern and reason why this scheme is contrary to policy. Occupants using their rooms as living accommodation during the evening rather than the communal area would mean that noise transfer would occur between the party wall at a much higher level than should a single family live in the property, this impact on amenity has not been addressed by the applicant, and so would warrant a valid reason for refusal.
- 5.11** Due to the town centre location and very close proximity to public transport links, along with the provision of secure cycle parking at the property, the requirement of off street parking as per saved policy HOU23 Part G is in this instance not sufficient to warrant refusal. Norfolk County Council highways have not raised an objection to the proposal.
- 5.13** The scheme would provide a good level of accommodation for 5 bedrooms which are adequate, as are the wash/communal facilities considering the occupants would have access to 3 separate shower/wc rooms, and would have a share in the 23.0m² communal kitchen/diner and sitting room at ground floor level. Additionally the rear curtilage would have sufficient space for a contained bin store and cycle parking.
- 5.14** However whilst there is no specific space standards for HMO bedroom sizes two of the rooms are not adequate with one room (room 3) under 10.0m² at 9.5m², and room 5 (marginally larger) being partitioned so as not to be practical. Therefore the scheme would not provide future tenants sufficient quality amenity and is an additional reason for refusal.

6. Recommendation

- 6.1** Refuse – the proposal is considered to be contrary to Policy HOU23 of the Great Yarmouth Borough-Wide Local Plan as the scheme would result in

harm to the amenities of neighbouring residents, and would not afford future occupants adequate accommodation.

