

SITE PLAN ATTACHED

53 CROWN STREET BRENTWOOD ESSEX CM14 4BD

CHANGE OF USE FROM CLASS B1 (OFFICE) TO A SUI GENERIS HMO RESIDENCE (9 X BEDROOM RESIDENCE) SHARED KITCHEN WITH PARKING, AND BIN STORE TO THE REAR (PART RETROSPECTIVE).

APPLICATION NO: 22/00006/FUL

WARD	Brentwood South	8/13 WEEK DATE	31 March 2022
PARISH		POLICIES	
CASE OFFICER	Ms Tessa Outram	01277 312500	
Drawing no(s) relevant to this decision:	SITE LOCATION PLAN; 201007_100; 201007_012; 201007_011;		

**This application has been referred to the Planning & Licencing Committee by Cllr Gareth Barrett for the following reason:
The proposal proposes an inconsistent density with the property in the local area, new velux style windows create overlooking and a reduction in privacy, and while without clear measurements on the plans available this is not easy to confirm, appears it is not in line with the gross internal area standards for a nine bedroom property (in terms of floor space across the site, in multiple rooms and height in the 2nd floor rooms).**

1. Proposals

Planning permission is sought to convert a former office building into a House of Multiple Occupation (use class: Sui Generis) with 9 bedrooms. The application seeks permission to retain the insertion of two flank windows, serving suites 3 and 6.

While the operational works facilitating the proposed use are understood to have been substantially completed, the use has not commenced.

2. Policy Context

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

Brentwood Local Plan (2016-2033) (BLP):

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

MG- Managing Growth

BE02 Water Efficiency and Management

BE04 Managing Heat Risk

BE07 Connecting New Developments to Digital Infrastructure

BE11 Electric and Low Emission Vehicles

BE13 Parking Standards

BE14 Creating Successful Places

HP06 Standards for New Housing

3. Relevant History

- 12/01222/FUL: Change of Use from Office (Class B1(a)) to Dental Practice (Class D1) -Application Permitted
- 19/00787/FUL: Add three storey rear extension incorporating undercroft parking and convert Office (Class B1) and HMO into 5 x 1 bed residential flats with parking and bin stores to rear and basement storage -Application Refused
- 20/00634/FUL: Proposed Change of use from Office (Class B1) to create 2 x residential units (Class C3) with parking and bin storage -Application Permitted

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

Two representation letters were received objecting to the proposed development summarised as follows:

- Overlooking from 2 flank windows into 1 & 4 Primrose Hill; the size of the windows is questionable as the first floor receives adequate daylight from the veulx windows; the windows are oversized and a different internal orientation would have meant these were not required.

5. Consultation Responses

- **Secure By Design:** HMOs particularly, without the benefit of Crime Prevention Through Environmental Design, can prove to be crime generators. Considered design can mitigate the risk to residents and reduce the risk of crime. There appears to be no reference to security in the documentation provided. Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this development is converted incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED). This reflects sections 92, 112, 119 and 130 of the NPPF.

Good HMO design must adequately control security risks, without compromising fire safety. This is particularly important for a 9 bedroom property with only one exit on the ground floor. I recommend that Essex County Fire and Rescue Service are consulted for a professional Fire Safety viewpoint. It is recommended that dual certificated doors (fire and security) are installed in the property. Secured by Design provides guidance on flat entrance doorsets, which may be useful for this property (*A Guide to Selecting Flat Entrance Doorsets*). The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

This proposal should comply with the security section of the “Essex amenity standards for Houses in Multiple Occupation” (extract below). This includes security of the external doors, accessible windows and secure cycle storage. Essex Police also recommend that each individual resident has access to securable personal space including lockable cabinets/storage within the shared kitchen area.

I can see no proposals for secure cycle storage within the attached documentation.

Some clarity is required about the dedicated parking spaces. The Design and Access Statement indicates that there are 6 parking spaces allocated for this property. However, although stating that there is one parking space at the front of the property and 5 to the rear, the documentation provided does not clearly illustrate where these spaces are located. Para 1.2 of the Design and Access Statement states that there is a shared access way to the side of the property allowing for shared parking to no's 53 & 55 Crown Street. Which spaces belong to number 53 and which to number 55? Para 3.2 of the Design and Access

Statement states that the bin store is also located to the rear of the property and there are no proposals for a secure cycle store – this could further exacerbate the parking provision issues.

Even if 6 spaces are available, for a minimum 9 person property, this still gives concern. Insufficient parking allocation may lead to disputes between potential residents and an overspill of parking onto the surrounding road network, where there is extremely limited parking; which could also potentially lead to neighbour disputes with existing local residents. Conflict over parking issues is identified as a potential issue in the Essex amenity standards for HMOs.

Clarity would also be appreciated about the proposed usage of the basement area and whether this is to be accessed via the shuttered door at the rear of the property which appears to be less than a full size height.

Pre-planning consultation is always preferable in order that security considerations for the benefit of the intended residents is agreed prior to a planning application. Essex Police would be keen to understand the finer details of the physical security measures of the doors and windows and the provision and security of cycle storage.

Officer comment: refer to Design section for recommendation on conditions / informatives

- **Operational Services Manager:** No comments received at the time of writing this report.
- **Environmental Health & Enforcement Manager:** I refer to your memo in connection with the above-mentioned application and would make the following comments.

A visit was made on 26 January to the premises, and it has been confirmed that additional provision has been made to the kitchen facilities and individual lettings and the works were nearing completion.

The main kitchen has been fitted with two hobs and two ovens (one shown on the plans) and each letting has been provided with a small individual fridge and microwave oven in addition to the main kitchen facilities.

I would therefore have no objections to the scheme as revised but would recommend that the drawings are amended to reflect the arrangements for the kitchen and individual apartments or that a supporting statement to this effect is provided.

- **Highway Authority:** A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

Off-street parking is retained, and the local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including: provision of secure cycle parking to EPOA Parking Standards; Residential Travel Information Pack

6. **Summary of Issues**

The main planning considerations for this development would be the principle of a change of use to a residential HMO, the effect on the living conditions of adjacent occupiers; the living conditions of both the existing and future occupiers of the HMO parking provision, design and sustainability considerations.

Background

The lawful use of the building is office space; permission to convert the use of the building to a dental practice was granted under application ref: 12/01222/FUL but never implemented.

Since then and without planning permission, the building was used as an HMO until 2019 when its use returned to that of an office and the Planning Enforcement enquiry (ref: 19/00114/UNLCOU) was closed.

Subsequently, a planning application to convert the office into five residential flats was refused. An application was approved the following year to convert the office into two residential flats under application ref: 20/00634/FUL, however this permission was not implemented.

Principle of Development

Houses in Multiple Occupation (HMOs) play an important role in local housing markets across Essex. Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation.

The principle of the conversion of the building to a residential use has been established through the previous permission 20/00634/FUL, in which market evidence was submitted to the LPA, demonstrating that there was little demand for

small scale office space, over larger employment sites such as those in Kings Road. There was also sufficient evidence to demonstrate there was little demand for the unit for office purposes.

Following the adoption of the new development plan 2016-2033; former employment policy (E2) which restricted the use of the unit to an office use have fallen away. The application site is located within Settlement Boundary One but outside of that defined as a designated centre and is therefore not captured by designated area policies PC04, PC06 or PC08.

A change of use from office to residential including that of a HMO, is considered to be in principle acceptable.

Living Conditions of Existing and Future Occupiers

Both the case officer and the Council's Environmental Health Officer have carried out an internal and external site visit as part of this application. The conversion works to create the HMO have been completed. The application has been assessed in line with the *2018 Essex HMO Amenity Standards*. Whilst this document is not adopted policy it provides a starting point for standards of what would be considered acceptable for HMOs and is a more relevant document for HMOs than the national space standards as outlined within policy HP06.

The main kitchen has been fitted with two hobs and two ovens and each suite has been provided with a small individual fridge and microwave oven in addition to the main kitchen facilities. Following the amendments to the plans the Council's Environmental Health Officer is satisfied with the size of the HMO and its living standards in respect of its kitchen facilities.

Each unit is provided with a private ensuite and shower, there are no shared bathroom facilities. This arrangement is considered acceptable.

In terms of bedrooms, all suites exceed the minimum size requirements for a room for sleeping where there are shared kitchen facilities but no shared living facilities, in line with the Essex HMO guidance standards (2018). A condition is required to prevent dual occupancy of the suites as a majority of the bedrooms are not of a size that can accommodate two people nor can the kitchen facilities provide adequate provision for more than 9 occupiers.

Suites labelled 3 and 6 are the two rooms where windows have been inserted, the subject of an enforcement enquiry. Whilst the windows are not positioned directly to the rear of No.1 Primrose Hill they would produce views directly into No.1 Primrose Hills shallow rear garden from both ground and first floor, due to the elevated land levels, which would lead to issues of material overlooking and a loss of privacy.

No.55 and 57 Crown St adjacent to the development site comprise an office building and therefore any amenity area here is not afforded the same protection as a private residential amenity space.

The new flank windows could be conditioned to be obscure glazed, which would prevent overlooking to the neighbouring occupiers of No.1 Primrose Hill. However, it is good practice that all habitable rooms are provided with adequate light, ventilation and outlook to provide a good standard of living accommodation for the future occupiers of the HMO suites. The Essex HMO standards 2018 also comment that bedsit rooms that do not have access to shared communal living space are expected to have an external view, not just a skylight view.

Therefore, whilst obscuring the windows would still provide light and ventilation to suites 3 and 6, these rooms would not be provided with any outlook as a result of the internal subdivisions of the rooms to provide bathrooms.

Having undertaken an internal site visit, it is evident that the suites comprising the bedroom and bathroom act as 1 contained unit for each of suites 3 and 6, and are finished to a high standard. The occupiers of both the ground and first floor suites have access to an unobscured bathroom window, that by way of their westerly position and elevated floor level are not overlooked and provide outlook to the west.

Suite 6 is provided with an existing large rooflight that provides good light levels to the bedroom and suite 3 has high level windows in the bedroom to provide good light levels.

Therefore, the best outcome would be to remove the new flank window added at first floor, at this results in a heightened loss of privacy and a level of perceived overlooking to No.1 Primrose Hill and to obscure the ground floor flank to limit views to No.1 Primrose Hill, but to ensure the room is provided with adequate light.

As a result of the existing rooflights and unobscured bathroom windows, this solution would not be detrimental to the future occupier of suites 3 and 6, as they would still be provided with adequate light, ventilation and outlook to a satisfactory level.

The drawings have been amended at the request of the LPA, in line with the above and as a result the proposed development would not result in any material overlooking or loss of privacy to No.1 Primrose Hill and the HMO suites are considered to provide a good standard of accommodation for the future occupiers.

The revised plans detail provision for cycle and refuse storage to the rear of the building. A condition is required for further details of the stores, but this arrangement is acceptable in principle. Policy HP06 requires all residential development to have access to amenity provision. Whilst none is provided, this is a small urban site and a shared communal space for a large HMO would likely not be well used. The site has direct access to public open space and therefore the lack of amenity provision is acceptable for this type of development in this location.

In summary, following amendments, the HMO is considered to be of a high standard and quality, the communal kitchen area is large enough and adequate for the number of occupiers and each suite is of an appropriate size and design to adequately serve the occupiers of the HMO and would meet the requirements outlined with the Essex HMO Guidelines. The development would also not amount to adverse impacts on the living conditions of neighbouring occupiers.

Design Considerations

Aside from flank fenestration alterations no external alterations are proposed to the building. As a result, the development would not amount to any material impact on the character and appearance of the surrounding area.

The comments of the secure by design officer (SBD) largely relate to parking, cycle storage and the use of the basement. Matters in respect of parking are covered in the report below. A condition is required regarding details of the cycle and refuse store. The basement is being used for plant/boiler and cctv and is only accessible by the landlord of the building. A condition is recommended to limit the use of the basement to this effect. An informative has also been added regarding security in line with the SBD Officer's comments and Essex HMO guidelines. Matters relating to fire safety are assessed under building control legislation.

The proposal would accord with local policy BE14.

Sustainability considerations

The proposal is for a change of use and would not result in any material impact upon surface water drainage or lead to increased flood risk elsewhere. The proposal is for a conversion and therefore adaptations in terms of heat risk are limited. In order to ensure the proposal provides compliance with the other sustainability policies aims and objectives within the adopted local plan 2016-33, conditions are recommended to provide further information and if necessary, mitigation.

The proposal is considered to comply with the aims and objectives of policies BE02, BE04, BE07 of the BLP.

Parking and Highway Considerations

The site is within a highly sustainable location within walking distance of Brentwood Town Centre, Brentwood Station and other public transport facilities. Four existing parking spaces are available to the HMO, with capacity for two additional spaces to the front of the building. A cycle storage area is also proposed, a condition is required for further details to be submitted and agreed. The development would accord with the adopted parking standards and is in compliance with local policy BE13. A condition can be attached to make sure infrastructure is made available for electric car charging points in line with the requirements of BE11. The highway condition recommended for storage materials is not required as the development is materially complete.

Conclusion

In summary the proposed development complies with local and national planning policy and is recommend for approval, subject to the conditions outlined below.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4 Limitation of Occupancy

The HMO hereby permitted shall not be occupied by more than 9 persons and no more than one person shall occupy any of the 'suites' as shown on the approved drawings.

Reason: To ensure that appropriate living conditions are maintained and to avoid issues of overcrowding.

5 RESL04 No PD for windows etc

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows, glazed doors or rooflights shall be constructed without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

6 Details of cycle and refuse store

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of cycles and refuse; have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in order to safeguard the character and appearance of the area.

7 Basement not for HMO Use

This permission relates to the approval of a HMO on the ground, first and second floor of the building. The basement as shown on approved drawing shall only be used for the storage of plant and CCTV and accessed by the landlord or owner of the building and shall not be accessible or used by occupiers of the HMO for any purposes, unless approved in writing by the local planning authority.

Reason: To safeguard the future occupiers of the development to ensure adequate living conditions are provided.

8 Electric Car Charging

Prior to first occupation, the proposed development shall be provided with, as a minimum, the space and infrastructure required to provide electric vehicle charging/plug-in points in the proposed car parking spaces for the future occupants of the building.

Reason: In order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

9 Sustainability - water efficiency

The proposed building shall not be occupied until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to provide wastewater infrastructure capacity;
- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

10 Digital Infrastructure

The proposed buildings shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building.

Reason: In order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

12 Obscure Glazing – (on drawings)

The windows identified on the approved drawings as being obscure glazed shall be:- a) glazed using obscured glass to a minimum of level 3 of the " Pilkington " scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable.

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 U0008628

The following Development Plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE07, BE11, BE13, BE14; HP06; as is the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG).

4 INF22

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.

5 U0008630

This consent is only in relation to the town and country planning act. Other legislation may be applicable for which consent is required, such as licensing. The applicant is required to contact the Council's Environmental Health Department to ensure an appropriate licence is sought for the HMO. It is the duty of all parties to ensure compliance with all laws.

6 Secure by Design

This proposal should comply with the security section of the "Essex amenity standards for Houses in Multiple Occupation" (extract below). This includes security of the external doors, accessible windows and secure cycle storage. Essex Police also recommend that each individual resident has access to securable personal space including lockable cabinets/storage within the shared kitchen area.

It is recommended that dual certificated doors (fire and security) are installed in the property. Secured by Design provides guidance on flat entrance doorsets, which may be useful for this property (*A Guide to Selecting Flat Entrance Doorsets*). The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

BACKGROUND DOCUMENTS

DECIDED: