

DCL/19/30

Application No: Y19/0979/FH

Location of Site: 5 Radnor Park Crescent Folkestone Kent CT19 5AS

Development: Change of use from 6-person HMO (House in Multiple Occupation) (Use Class C4) to 7-person HMO (Sui-Generis).

Applicant: Mr & Mrs D Best

Agent: Mr G Caldow
14 St Georges Business Centre, St Georges Square,
Portsmouth, Hampshire, PO1 3EZ

Officer Contact: David Campbell

SUMMARY

Planning permission is sought to change the use of the property from a six-bedroom House in Multiple Occupation (HMO) (Use Class C4) to a seven-bedroom HMO (Sui Generis use) by converting the existing storage room to a seventh bedroom. Given the existing use and occupancy of the building, on balance it is considered that an increased occupancy of one person would not have a significantly harmful impact on the surrounding neighbourhood, or the amenity of the occupiers of neighbouring properties. The proposal has demonstrated that adequate cycle parking and waste/recycling facilities can be accommodated on the site, and the scheme would not lead to a significantly increased car parking demand beyond the capacity of Radnor Park Crescent. Overall, the proposal is considered to represent sustainable development in accordance with development plan policies and the NPPF, and is recommended for approval subject to planning conditions.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

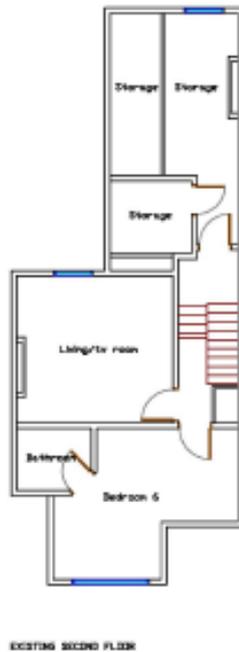
1.1. The application is reported to Committee because of the objection raised by Folkestone Town Council.

2. SITE AND SURROUNDINGS

- 2.1. The site comprises a two-storey terraced property (with rooms in the roof) on the western side of Radnor Park Crescent within the settlement boundary of Folkestone. The property features three floors of living accommodation with a rear garden, and is currently in use as a six-bedroom HMO (Use Class C4).
- 2.2. The building has a brick façade with a large dormer/gable end feature on the front roofslope. The building is identical in appearance to the adjoining property, 7 Radnor Park Crescent. There is a side alleyway to the north of No. 7 providing pedestrian access to the rear garden of the application site.
- 2.3. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Planning permission is sought to change the use of the property from a six-bedroom HMO to a seven-bedroom HMO by converting the current 'storage room' to the rear of the second floor to a seventh bedroom. The resultant internal layout would comprise a kitchen and two bedrooms at ground floor level, three bedrooms at first floor level and a living room and two further bedrooms at second floor level. All bedrooms would contain en-suite bathrooms.
- 3.2 The floor area for each room would be as follows:
 - Kitchen: 17.3m²
 - Bedroom 1: 12.1m²
 - Bedroom 2: 13.8m²
 - Bedroom 3: 11.5m²
 - Bedroom 4: 15.3m²
 - Bedroom 5: 18.2m²
 - Bedroom 6: 12.7m²
 - Bedroom 7: 8.8m² (at full head height)
 - Living/TV room: 13.1m²
- 3.3 Waste and recycling facilities would be located in the front garden. A detached bike store would be located in the rear garden, accessed via an alleyway to the north of the site.



(Figure 1) Existing Second Floor Plan



(Figure 2) Proposed Second Floor Plan

4. RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history relating to the site. The site was converted from a single dwelling house to a six-bedroom HMO under permitted development rights.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object on the grounds that assurances were made during the conversion to a 6 bed HMO that there would not be an increase to 7 persons. The rear rooms on the first and second floor are excessively small.

Local Residents Comments

No representations have been received.

- 5.1 Responses are available in full on the planning file on the Council's website: <https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

Folkestone and Hythe District Local Plan Review (2013)

SD1 - Sustainable Development

BE1 - Standards expected for new development in terms of layout, design, materials etc.

HO1 - Housing land supply

HO10 - Houses in Multiple Occupation

TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes

TR11 - Accesses onto highway network

TR12 - Vehicle parking standards

Folkestone and Hythe Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality Places through Design

HB3 - Internal and external space standards

HB13 - Houses in Multiple Occupation

T2 - Parking Standards

T5 - Cycle Parking

Core Strategy Review Submission draft (2019)

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 to 12 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'.*

7. APPRAISAL

- 7.1 In light of the above the main issues for consideration are:

- a) Principle of the development
- b) Character and appearance
- c) Residential amenity
- d) Transport and highways

a) Principle of the development

- 7.2 Policy HO10 of the Local Plan Review states that planning permission will not be granted for Houses in Multiple Occupation, defined as more than one household occupying a single dwelling where all facilities are not self-contained unless the applicant demonstrates firm and substantial evidence of local need for that form of accommodation.

- 7.3 In contrast to this soon to be replaced policy, emerging policy HB13 of the Places and Policies Local Plan states that proposals for Houses in Multiple Occupation (HMOs) will only be permitted where the proposed development, taken by itself or in combination with existing HMOs in the vicinity of the site, would not result in an unacceptably harmful impact on:

DCL/19/30

1. Residential amenity, caused by increased noise and disturbance;
 2. The character or appearance of the street scene or neighbourhood;
 3. The character or appearance of the building, including from inappropriate or insufficient arrangements for storage, including for refuse and bicycles; and
 4. Highway safety, caused by insufficient on-site parking provision thereby resulting in an unacceptable increase in on-street parking.
- 7.4 The amenity, character and highway implications of the proposal are assessed in the sections below.
- 7.5 Saved policy HO10 of the LPR and emerging policy HB13 of the PPLP differ in approach to HMO's. However policy HO10 is soon to be replaced by policy HB13. HB13 has no outstanding comments or objections and is consistent with the current NPPF. As such policy HB13 is considered to hold more weight than policy HO10 in this instance. Given that the property is already in use as a six bedroom HMO, it is not considered that the addition of one bedroom would lead to an objection in principle or a potential conflict with either of the policies mentioned above. As such the proposal is considered to comply with the requirements of policies HO10 and HB13 and the development is considered acceptable in principle.
- 7.6 Occupancy of the property can be restricted to 7 persons by planning condition to enable the Local Planning Authority to consider the impacts of any further increased occupancy of the building.

b) Character and appearance

- 7.7 There are no external changes proposed by the application and as such there are no objections on design grounds. The character and appearance of the street scene and building have not been altered to any noticeable degree (no external alterations are proposed) and there is no evidence that the site is untidy or cluttered by refuse, bicycles or other domestic paraphernalia. Any additional bin storage to the front is not going to have a greater impact on the visual amenity of the streetscene than the existing situation. As such it is not considered that the proposal would lead to a change in the character and appearance of the property.

c) Residential amenity

- 7.8 There are no external alterations proposed that would negatively impact the amenity of neighbouring properties. Whilst the original conversion of the property to an HMO has resulted in a somewhat increased use of the site by six independent adults, it is noted that this conversion was lawful and did not require planning permission. Within this context it is considered that the proposed increased occupancy of one additional person would not result in

significant disturbance to the living conditions of surrounding properties. Neighbouring properties have been consulted on the application and have raised no objection. The new bedroom created meets National Space Standards and policy HB3, therefore the amenity of the new resident will be safeguarded.

d) Transport and highways

- 7.9 Off-street car parking should be provided in accordance with the parking standards and should not cause unacceptable detrimental impact to the street-scene through the loss of trees or gardens. Whilst the proposal is not accompanied by an off-street parking provision or parking survey, it is noted that on-street parking is controlled by a residents' parking permit scheme. At the time of the site visit it was noted that adequate spaces appear to be available in the vicinity of the site and it is considered that the possible increase of one additional care is unlikely to result in any increased parking demand that would cause harm or disruption to the wider highways network. In addition, the site is located within a highly sustainable location close to the town centre and local public transport links.
- 7.10 It is considered that that there is adequate on-street parking capacity with this HMO in active operation and it is considered unlikely that an increase in the occupancy by one person would result in a significant car parking demand in the area that would warrant refusal of the application on parking grounds.
- 7.11 Secure cycle storage is proposed in the rear garden, accessed via the side alleyway. This provision of such facilities would promote a more sustainable mode of transport for residents at the property, in accordance with policy T5 of the PPLP.

Environmental Impact Assessment

- 7.12 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.13 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. The application is not liable for the CIL charge as it is no a use falling within Use Classes C3 or C4

Human Rights

7.14 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Working with the applicant

7.15 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

Public Sector Equality Duty

7.16 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.17 It is considered that the application proposals would not conflict with objectives of the Duty.

Conclusion

7.18 Given the existing use and occupancy of the building, on balance it is considered that an increased occupancy of one person would not have a significantly harmful impact on the surrounding neighbourhood, or the amenity of the occupiers of neighbouring properties. The proposal has demonstrated that adequate cycle parking and waste/recycling facilities can be accommodated on the site, and the scheme would not lead to a significantly increased car parking demand beyond the capacity of Radnor Park Crescent. Overall, the proposal is considered to represent sustainable development in accordance with development plan policies and the NPPF, and is recommended for approval subject to planning conditions.

8.0 Background Documents

8.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

9.0 Recommendation

9.1 That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:

1. Standard implementation period
2. Development must be in accordance with the submitted plans
3. The HMO shall be occupied by no more than 7 persons at any one time
4. Cycle parking and facilities for the storage of waste and recycling for the new unit shall be installed in accordance with the submitted details in the Design and Access Statement and prior to the first occupation of the unit and shall thereafter be kept available for use by the resident.