

## Item 04

## Application No. IP/24/00962/FUL

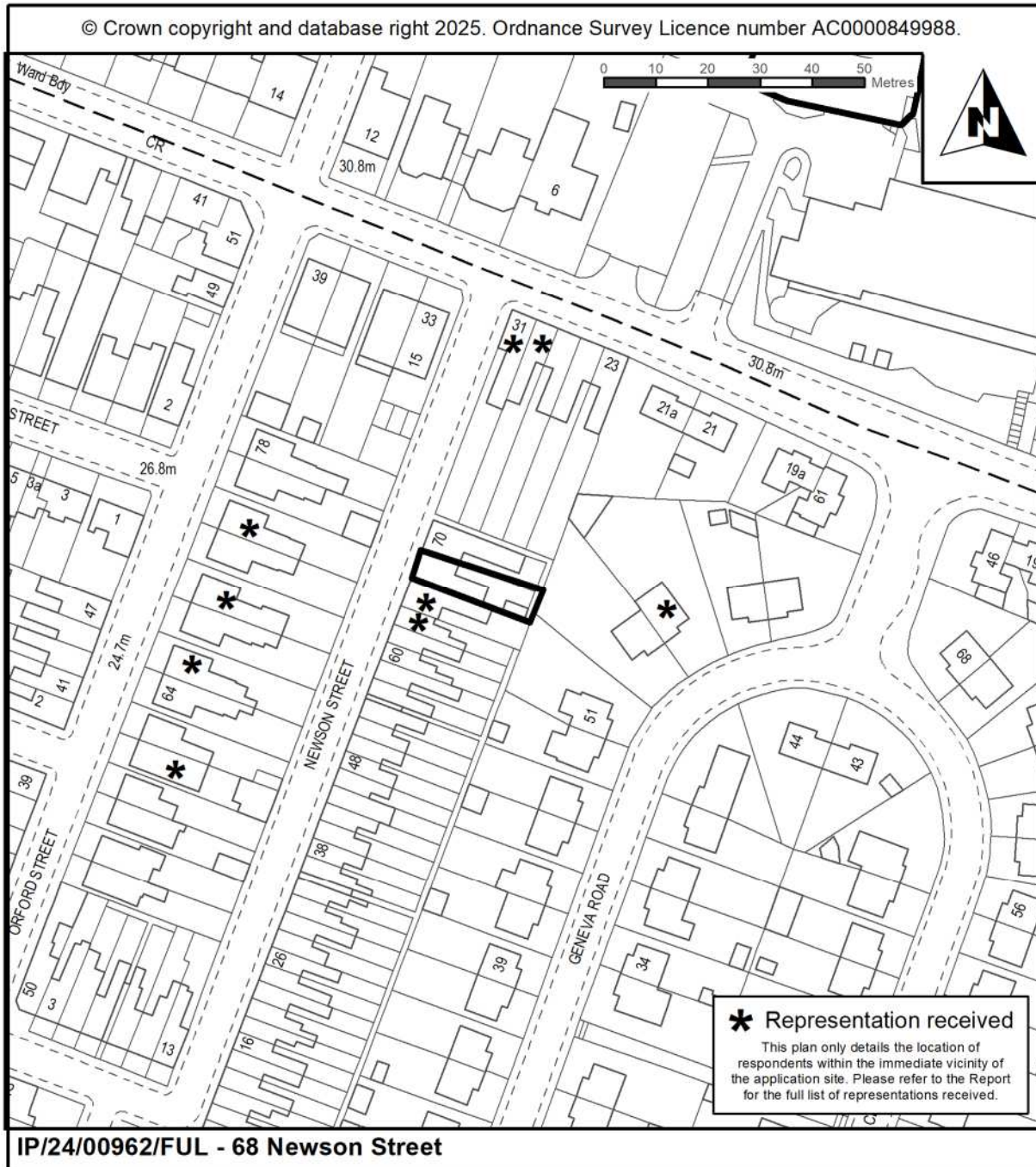
**Ward:** WESTGATE

**Proposal:** Change of use from dwellinghouse (use class C3) to 5 person (5 bedroom) HMO (use class C4).

**Address:** 68 Newson Street,

**Applicant:** Balachandran Raveendran

**Agent:** Mr John Scaife



## **Recommendation**

### **Grant planning permission subject to the following conditions (briefly):-**

1. Development to be in accordance with approved plans.
2. Pre-commencement management plan.
3. Pre-commencement cycle and refuse plans.
4. Pre-commencement sound insulation details, to meet the expectations of the Environmental Protection Officers' comments.
5. Pre-commencement condition regarding security features to be installed.
6. Compliance condition requiring that the room annotated as 'shared space' shall always remain available for the use of Bedroom 03.
7. Compliance condition requiring that the premises shall be occupied by no greater than 5 occupants, 1 per room.

## **1. Proposal**

- 1.1. Change of use from dwellinghouse (use class C3) to 5 person (5 bedroom) HMO (use class C4).

## **2. Background**

- 2.1. The proposed site sits within the Article 4 Direction area removing permitted development right change of use from single dwellinghouse (use class C3) to small HMO (use class C4).
- 2.2. The premises comprises a two-storey terraced building facing directly on to Newson Street, with rear garden and access route from rear garden wrapping around the back and side of end of terrace no.70 Newson Street.
- 2.3. The application was re-advertised and re-consulted upon following a change of the site location plan. The original plans omitted the access route however such access route is a critical component on the acceptability of the proposed change of use therefore was included in the site location plans.
- 2.4. Officers note that the dwelling has been advertised on the market as a 4-bed dwelling.

## **3. Consultations**

### **3.1. *Suffolk Constabulary***

- 3.2. Summary: Suffolk Constabulary does not object to this application but does request that conditions relating to the gating of the shared communal rear access, installation of CCTV, a robust communal door and access control system as described are included as a condition of any planning permission granted. Suffolk Constabulary had no further comments at point of re-consultation.

### **3.3. *Suffolk Fire and Rescue Service***

- 3.4. Summary: Standing advice regarding Access and Fire Fighting Facilities to be in accordance with Building Regulation requirements only.

### **3.5. *Ipswich Borough Council – Private Sector Housing***

- 3.6. No comments at time of first consultation. Upon second consultation the following points were raised:

A fire assessment will be needed before the property can be used as a HMO; If bedroom 4 is to be used as a bedroom, it must be 6.51m<sup>2</sup> or above. Alternatively, the applicant could continue to use the 'siting room' as a bedroom, and bedroom 4 as a shared areas as shown on the previous plans.

3.7. *Ipswich Borough Council Environmental Protection Officers*

3.8. Air Quality: No Comments

3.9. Noise and Vibration: Applicant has not provided information as to how the separating floors and wall between each room for residential purposes will be upgraded to meet the required Part E standard for airborne and impact sound. Upon second round of consultation, the Environmental Protection Officers reiterated that it will be difficult to obtain the required sound insulation given that the premises is a brick shell with timber suspended floors.

3.10. Contaminated Land: No comments

3.11. Lighting: No comments

3.12. Odour: No Comments.

3.13. *Suffolk County Council Local Highway Authority*

3.14. As per Suffolk Guidance for Parking (SGP) 2023, a class C4 property states that a 5-bedroom HMO should have a minimum of 3 spaces allocated per dwelling. However, as the proposal is located in an urban area where there is good provision of public transport. A relaxation of parking standards would be permitted and would comply with SGP 2023. This section states that such developments must be designed to provide exceptional standards of sustainable transport.

3.15. Holding Objection until exceptional cycle parking provision is provided and details of storage and collection points for refuse. Holding objection re-iterated at time of re-consultation.

3.16. Representations:

3.17. The application underwent 2 rounds of public consultation due to a revision to the plans. The first round of consultation was for the period 12.12.24 – 14.01.25. The second was for the period 11.03.25 – 08.04.25.

3.18. The original set of plans showed no rear garden access. The revised set of plans included the rear garden access. The amendment to the red-line boundary to include the rear access lane led several objectors to reiterate their original objections, with one objector specifically raising concerns of additional risks resultant from the inclusion of the rear access.

3.19. Several letters of representation were a repeat of a templated letter. Both the templated letter and bespoke communications raised similar concerns and the responses have been pooled together. MP and Cllr objections have been separated for clarity.

3.20. No letters of support have been received.

3.21. 1no. MP Objection to the proposal:

3.22. Jack Abbott MP (13.01.25) and (08.04.25)

- Cramped living conditions

- 5 bedroom indicated 10 occupants potentially.

- One share bathroom and one shares WC accessed through a kitchen only.

- No dining or living room to eat and relax.

- Small garden.

-Numerous HMO's in the area leading to over-concentration.

3.23. 2no. Cllr Objections to the proposal:

3.24. Cllr C Jones and Cllr J Gibbs (07.01.25) (Westgate Ward Cllrs)

- 5 bedrooms means there could be 9 or 10 residents.
- Only one shared bathroom and a single toilet for the residents, and located on ground floor.
- No living room or dining room for occupants
- Bedroom 3 is very small
- Limited garden space
- Newson Street is one of mainly small houses.
- Densely populated street.
- Cllrs receive complaints of anti-social behaviour.
- Cllrs receive complaints of fly-tipping.
- Anglesea Road has larger premises, already converted to HMO's.
- Risks affecting mix of tenure.

3.25. 28no. Households objecting to the proposals:

3.26. C, Sullivan, 29 Anglesea Road, IP1 3PS (02.01.25), (05.01.25 emailed to Cllrs), (17.03.25), (28.03.25), (31.03.25) (phone call also received, to which Officer explained the assessment against HMO policies and reason for recommending approval)

D, Strong, 11A Anglesea Road, IP1 3PL (07.01.25)

T, Parry, 20 Anglesea Road, IP1 3PP (06.01.25) and (07.04.25)

C, Talbot, 45 Anglesea Road, IP1 3PR (07.01.25)

S, Southernwood, 16 Anglesea Road, IP1 3PP (08.01.25)

D, Dixie and C Dixie, 8 Anglesea Road, IP1 3PT (09.01.25)

K, Gardener, 30 Cardigan Street, IP1 3PF (13.01.25) and (01.04.25)

D, Dridley, 37 Orford Street, IP1 3PE (14.01.25)

J, Taverner, 66 Newson Street, IP1 3NY (09.01.25)

M, Gardner 48 Orford Street, IP1 3NS (14.01.25) and (01.04.25)

C, Pyper, 74 Orford Street, IP1 3PE (12.01.25) and (17.03.25)

T, Owens, 60 Orford Street, IP1 3PE (12.01.25) and (08.04.25)

S, Holder, 5 Alpe Street, IP1 3NZ (10.01.25)

K, Marrable, 64 Orford Street, (13.01.25) and (05.04.25)

N and L, Bayliss, 31 Anglesea Road, IP1 3PS (12.01.25) and (02.04.25)

A and J, Hunn, 10 Anglesea Road, IP1 3PT (13.01.25) and (04.03.25) and (08.04.25)

C, Francis, Geneva Road, IP1 3NP (14.01.25) and (04.04.25)

R, Duncombe-Anderson, 70 Orford Street, IP1 3PE (13.01.25)

P and J Nice, 51 Orford Street, IP1 3PE (10.01.25)

C, Jane, Orford Street, IP1 3PE (20.01.25)

A, Clarke, 10 Warrington Road(27.01.25) and (17.03.25)

M, Nash, 64 Newson Street,

J, Hook, Woodbridge (26.03.25)

P, White, 18 Warrington Road, IP1 3QU (28.03.25)

C, Preston, 18 Gymnasium Street, IP1 3NZ (29.03.25)

C, Miller, 9 Ivry St, IP1 3QW (31.03.25)

J, Moser, 28 Warrington Road (31.03.25)

3.27. Summary of issues raised (please note, tally has not been included as issues were shared across the majority of letters of representation):

-Parking Shortages in the area being exacerbated, only one permit is permitted per household.

-Parking issues leading to highway impacts, including matters such as emergency vehicle access issues and domestic access issues.

-Waste Disposal issues, notably in an area facing allegedly significant fly-tipping problems, and impacting upon adjacent Conservation Area also.

-Noise pollution emanating from the HMO, and access and egress from the HMO.

-A reduction in the well-being of the area

-Anti-social behavior issues, including but not limited to alleged drug issues in the area, and concerns of access to rear garden of properties off Orford Street.

-Break-up of social cohesion / harmony through the loss of a single dwelling.

-The introduction of an unsuitable tenure type (i.e. HMO rather than a single family dwelling)

-Affects residential character of the area

-Poor quality internal and external facilities / amenity spaces for occupants of the HMO.

-Over-concentration of HMOs in the area exacerbating amenity impacts, including but not limited to larger premises on Anglesea Road

-Over-concentration straining local infrastructure.

-Proximity to schools.

-The footpath / rear access should not be used for cycle access and will lead to disturbance, noise, litter, and security risks.

-Transient population leading to poor upkeep and maintenance of the building, leading to untidiness (adjacent to a Conservation Area also)

#### **4. Policy**

##### **4.1. National Planning Policy**

National Planning Policy Framework (2024)

National Planning Practice Guidance

##### **4.2. Local Planning Policy**

Ipswich Local Plan, incorporating the Core Strategy and Policies Development Plan Document (DPD) Review, and the Site Allocations and Policies (Incorporating IP-One Area Action Plan (AAP)) DPD Review (2022).

Policies:

- DM3 (Air Quality)
- DM4 (Development and Flood Risk)
- DM7 (Provision of Private Outdoor Amenity Space in New and Existing Developments)
- DM8 (The Natural Environment)
- DM12 (Design and Character)
- DM18 (Amenity)
- DM19 (The subdivision of family dwellings)
- DM20 (Houses in Multiple Occupation)
- DM21 (Transport and Access in New Developments)
- DM22 (Car and cycle parking in new development)

#### 4.3. Other Planning Guidance

- Space & Design Guidelines Supplementary Planning Document (November 2015)
- Cycling Strategy Supplementary Planning Document (March 2016)
- Ipswich Urban Characterisation Study – Norwich Road Character Area
- Suffolk Guidance for Parking (4<sup>th</sup> Edition, October 2023)
- Low Emissions Supplementary Planning Document (November 2021)
- Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) - Supplementary Planning Document (February 2020)
- HMO Guidance Document (August 2024)
- HMO Landlords Handbook

#### 4.4. Relevant Article 4 Direction

Article 4 Direction (Change of use from Single Residential Dwelling (C3) to Small House in Multiple Occupation (C4).

### 5. **Planning Assessment**

#### Principle of Development

- 5.1. The proposed site sits within the Article 4 Direction area removing permitted development right change of use from single dwellinghouse (use class C3) to small HMO (use class C4).
- 5.2. The description of the development is seeking a change of use from a dwelling (Use Class C3) to a five person, five bedroom HMO (Use Class C4).
- 5.3. Policy DM19 (the subdivision of family dwellings) states development involving the conversion of houses into flats, bedsits or Houses in Multiple Occupation will be permitted provided that the development would not result in the conversion of small or modest sized family houses containing 3 bedrooms or fewer or having a floorspace of less than 100 sq.m.
- 5.4. DM19 proceeds to consider matters of concentration of uses, and matters of parking and refuse. The proposed dwelling is marketed as a 4-bedroom house and therefore is in accordance with DM19(a).
- 5.5. Policy DM20 (Houses in Multiple Occupation) provides specific policies applicable to HMO's to consider what is acceptable and what is not in Planning policy terms.
- 5.6. Policy DM20: Houses in Multiple Occupation states when HMO's are likely acceptable and when not. The policy links with other policies within the Core Strategy, but provides a framework of assessment

for the current proposal. Subject to compliance with the HMO-specific policy DM20 and linked policies, the principle of the development is acceptable on grounds that the proposed use is residential and sits within a residential area.

#### Room Standard

- 5.7. Policy DM20(a) states proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they demonstrate that they meet the nationally required minimum room standards for HMOs.
- 5.8. The Houses in Multiple Occupation Landlord's Handbook room size requirements for HMO's where there is no separate living room:
- 1 person: 10 sq.m.
- 5.9. Bedrooms 1 (13sq.m), 2 (13sq.m), 4 (13sq.m), and 5 (13sq.m) comply and have a sq.m area greater than 10sq.m.
- 5.10. Bedroom no.3 is below 10sq.m at 9sq.m. The minimum bedroom sizes for a 1person HMO room is 6.51sq.m where a separate living room is provided. The premises provides a shared room which can be used for the occupant of bedroom no.3. A condition is recommended to be applied ensuring this remains in perpetuity. On basis of the shared room always being accessible to the occupant of room no.3, the proposal is acceptable in this regard.

#### Noise, disturbance and Loss of Privacy

- 5.11. Policy DM20(b) states Proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they would not adversely affect the amenity of nearby residents in terms of noise and disturbance or loss of privacy.
- 5.12. The enclosed area of the dwellinghouse is to the rear. The outdoor amenity space is approximately 68m<sup>2</sup>, shy of the 75m<sup>2</sup> required for a 3+ bed dwelling under policy DM20(e) in conjunction with Policy DM7 and the Space and Design Guide SPD.
- 5.13. The application site is within walking distance of Christchurch Park to the East, at 315m.
- 5.14. With the outdoor amenity space just shy of the sought after 75sq.m. and Christchurch Park in walking distance, officers consider the risk of increased outdoor activity, noise, and disturbances from the HMO spilling into Newson Street or the wider surroundings to be minimal.

#### Local Employment Uses

- 5.15. Policy DM20(c) states Proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they do not have an adverse impact on local employment uses – such as reducing the availability of office accommodation in strategically identified locations for office use.
- 5.16. The proposal is for a change of use from C3 dwelling only, therefore does not affect non-residential buildings and local employment uses.

#### Amenity impacts resultant from over concentration

- 5.17. Policy DM20(d) states proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they would not adversely impact on the amenity of the local area through the over-concentration of HMOs, or cumulatively adding to an area already subject to an over-concentration.
- 5.18. Policy DM20(i-iv) states an over-concentration is:

- 5.19. (i) more than two HMOs side by side;
- 5.20. (ii) the sandwiching of a single self-contained house or flat between two HMOs;
- 5.21. (iii) more than two HMOs within a run of twenty properties on one side of the road; or
- 5.22. (iv) more than one HMO in a road of fewer than twenty properties on one side of the road.
- 5.23. Planning application data and HMO Licensing Register data indicates no other HMO's along Newson Street. The proposal therefore does not constitute over-concentration under policy DM20(d) and DM20(i-iv).
- 5.24. Over-concentration is assessed to ensure there are not amenity impacts as a result of cumulative HMO uses. Issue of over-concentration includes matters such as refuse build up, breaks in social cohesion between known neighbours along a given street, increased anti-social behaviour, and general amenity impacts through intensification of the use of a dwellinghouse. The current application does not constitute over-concentration when measured against the tests of policy DM20(i-iv), therefore the amenity issues of over-concentration are not considered non-compliant with policy and is instead, in Officers opinion, acceptable.
- 5.25. An objection was received regarding the potential for there to be 9-10 occupants given the 5 no. Bedrooms. Although the description of development would preclude such use, a condition is recommended to prohibit more than 5 occupants within the premises.

Acceptable living environment for future occupants

- 5.26. Policy DM20(e) states proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they provide an acceptable living environment for future occupants, including adequate outdoor amenity space, car parking (in accordance with the standards), secure and covered cycle parking and refuse storage.
- 5.27. The Environmental Protection Officers in their consultation response highlighted concerns of noise disturbance between internal spaces / rooms of the HMO. A condition has been applied requiring details of sound insulation to be installed and implemented shall be submitted and approved by the Local Planning Authority prior to commencement of the use to ensure the occupants are protected from noise disturbance from within the premises.
- 5.28. The proposal includes outdoor amenity space, is in close proximity to Christchurch Park, has rooms sizes compliant with the HMO Landlord's Handbook, and shall require by pre-commencement planning condition details on secure and covered cycle parking and refuse storage details. The red line boundary was amended on the application to reassure Officers that the external circulation route is feasible and available for cycle and refuse access. Objections were raised stating the external access route is unsuitable for cycles and risks leading to disturbances and security risks however, Officers hold the view that such a rear access is a common and suitable feature for amenity and access purposes of terraced dwellings.
- 5.29. Officers note a number of objections were in reference to increased parking demand however understand that residential permit parking schemes do not include Houses in Multiple Occupation therefore Officers are content to state the HMO poses no risk to the immediate vicinity and instead the combination of cycle storage through the planning system and non-eligibility for residential permits means risks emanating from increased vehicular movements and parking demand in the immediate area is avoided.
- 5.30. In terms of internal amenities, the HMO Landlords Handbook requires of a 1-5 Person HMO: At least 1 kitchen, not more than 1 floor distance from furthest bedroom. Where there is more than 1 floor distance an additional kitchen should be provided, or, a dining room provided on the same floor as the kitchen.



At least 1 bathroom and 1WC. Where there are 5 persons the bathroom and WC must be separate, although the bathroom may also contain a WC.

5.31. The premises is 2-storeys, meaning the 1no. kitchen is within 1 floor distance from the furthest bedroom, The WC and bathroom are separate.

5.32. Officers therefore conclude that the proposal complies with this element of the policy. Similarly, overcoming the concerns raised regarding the limited facilities (WC and living room space) available to occupants

#### Local Services and accessible sustainable transport modes.

5.33. Policy DM20(f) states proposals for the development of Houses in Multiple Occupation (HMO), including through the change of use of existing non-residential buildings, will be supported where they are well-served by local services and accessible by sustainable transport modes.

5.34. The premises is within 400m of Local Centre (St Matthews Street, and Bramford Road) and 400m of District Centre (Norwich Road), close to the corner with Anglesea Road where there is a bus stop. Though outside of the IP-One Area, is 616m from Tower Ramparts Transport Hub.

5.35. The premises is therefore considered by Officers to be compliant with policy DM20(f).

#### Natural Environment

5.36. To take account of the impact that proposed development would have, together with other approved developments, a contribution of £142.27 per dwelling towards the Recreational Disturbance and Mitigation Strategy (RAMS) is required under policy DM8. The per dwelling figure may be multiplied in cases where HMO occupier numbers may be greater than a conventional dwelling.

5.37. The current proposal, but for the Article 4 Direction removing the change of use, would be permitted development and not subject to the contribution. Therefore, Officers consider a contribution would not be required in this instance.

5.38. Mandatory Biodiversity Net Gain came into force on 2 April 2024. This was before this application was registered and therefore BNG is applicable. However, it is considered the development is subject to the de minimis exemption as the proposal is for a change of use only and does affect any Priority Habitat and affects less than 25m<sup>2</sup> or 5 linear metres of any other habitat.

#### Air Quality

5.39. The site falls outside of any Air Quality Management Area and is not within the buffer zone of and such area. The proposal is for a comparable use to the existing C3 use, therefore Officers consider the proposal to pose little risk to the Air Quality of the town. DM3 is therefore satisfied.

#### Flood Risk

5.40. The site is outside any Flood Zone where there is a risk to life from flooding. Policy DM4 is therefore satisfied.

### **6. Planning Balance**

6.1. Officers consider that the proposed Change of use from dwellinghouse (use class C3) to 5 person (5 bedroom) HMO (use class C4) is acceptable on the basis that the change of use is in accordance with the HMO-specific policies.

### **7. Conclusion**

- 7.1. The proposed change of use from dwellinghouse (use class C3) to 5 person (5 bedroom) HMO (use class C4) and, subject to conditions, complies with policies DM3, DM4, DM7, DM8, DM12, DM18, DM19, DM20, DM21, DM22 and the NPPF 2024.