

Application Number	16/00996/AS	
Location	Hayesbank, 18 Canterbury Road, Ashford, Kent, TN24 8JX	
Grid Reference	601079/14516	
Parish Council	None	
Ward	Stour (Ashford)	
Application Description	Change of use of existing bed and breakfast into a 12 bedroom HMO (House in Multiple Occupation) and a 1 bedroom self-contained flat.	
Applicant	Mrs P Putta, 29 Canon Woods Way, Ashford, Kent TN23 9QY	
Agent	Aroras Practice Ltd, Suffolk House, 383 Hythe Road, Willesborough, Ashford, Kent, TN24 0QF	
Site Area	472.12 m ²	
(a) 27 / 2R	(b) -	(c) KH&T X; EH X; ABC Housing -

Introduction

1. This application is reported to the Planning Committee at the request of Ward Members, Cllr Galpin and Cllr Waters.

Site and Surroundings

2. The application relates to a Bed and Breakfast positioned on the corner of Canterbury Road and Lower Queens Road. The property is located within the Ashford Queens Road Conservation Area. The site lies within the built confines of Ashford and in close proximity to the town centre.
3. The property which is two storey and includes accommodation within the roof, benefits from a modest garden fronting Canterbury Road and off road parking to the rear. The property is bounded by a modest residential property and Mount Zion Baptist Church to the south and 1-4 Lower Hayesbank to the east.

- Information available indicates that there are two other known HMO's located to the south of the site also fronting Canterbury Road.

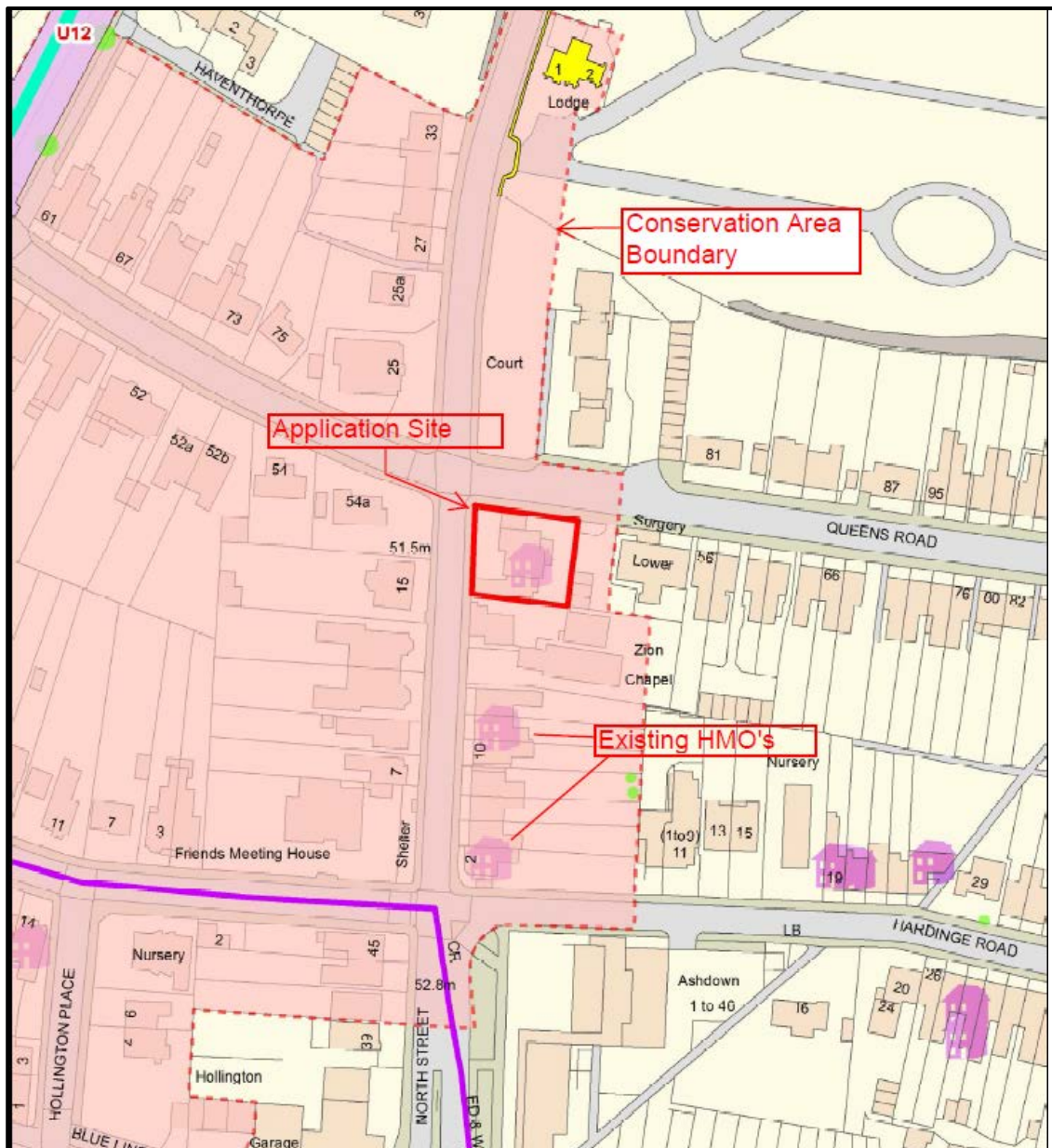


Figure 1 Site Location Plan

Proposal

- The application seeks planning permission for the change of use of the existing bed and breakfast to a 12 bedroom HMO (House in Multiple Occupation) and a 1 bedroom self-contained flat.

6. It is not proposed to alter the external appearance of the property.
7. The 1 bedroom self-contained flat is proposed be located within the single storey addition to the front of the property, and would be accessed via the gateway fronting Canterbury Road.
8. The remainder of the building would contain 12 bedrooms. The accommodation is arranged over 3 floors. On the ground and first floor it is proposed to provide two communal kitchens and nine ensuite bedrooms. On the second floor a further three bedrooms are proposed together with a communal bathroom to serve them.
9. There is a garden to the front of the property which will be retained. Similarly, the existing attached garage located to the side of the property and the off road parking located to the rear are also proposed for retention. Access to the parking facilities is via Lower Queens Road.

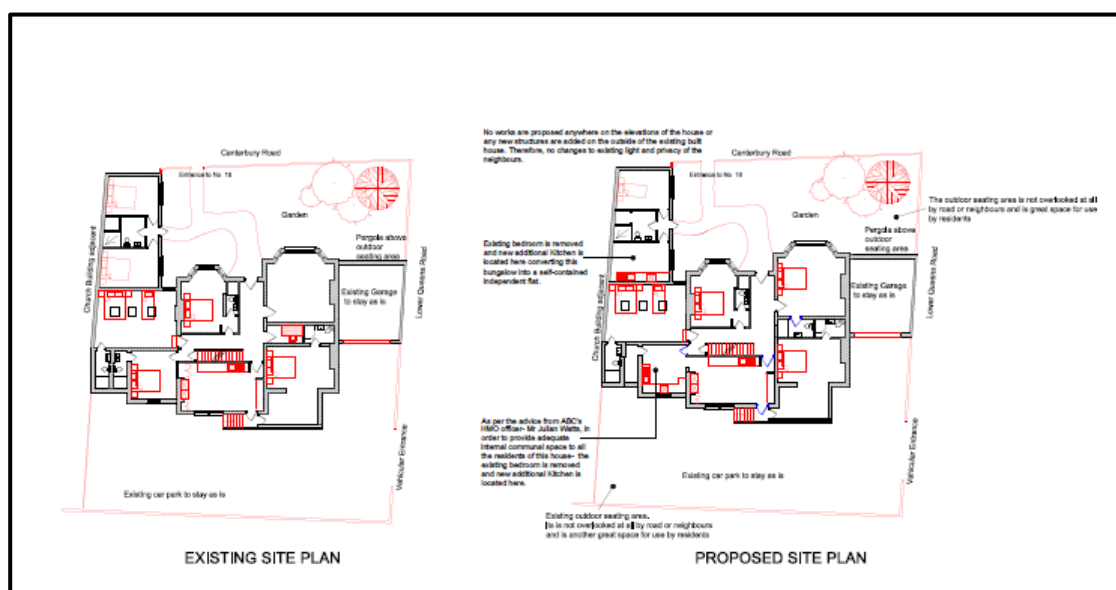


Figure 2 Existing and Proposed Site Plan

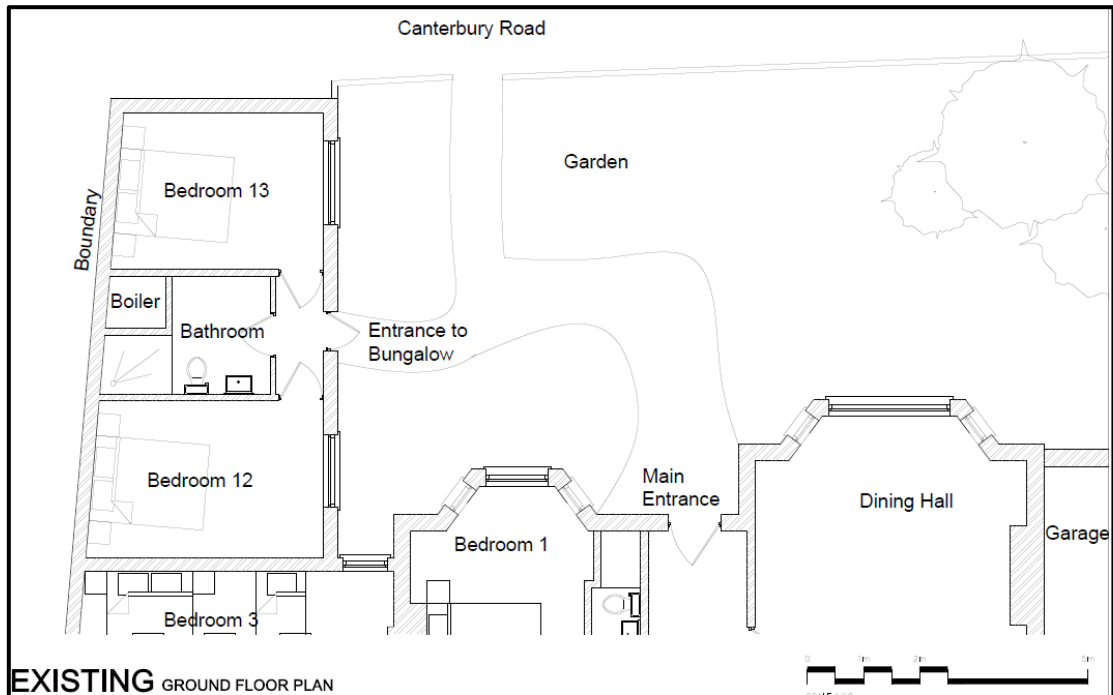


Figure 3 Existing Ground Floor Bungalow

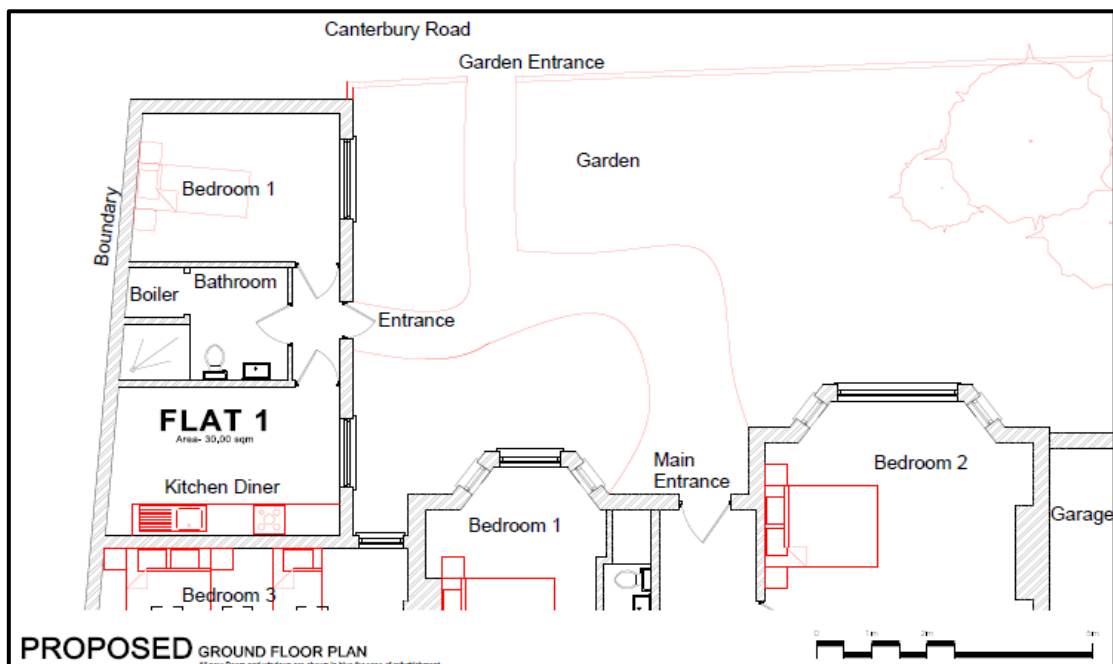


Figure 4 Proposed Ground Floor Bungalow

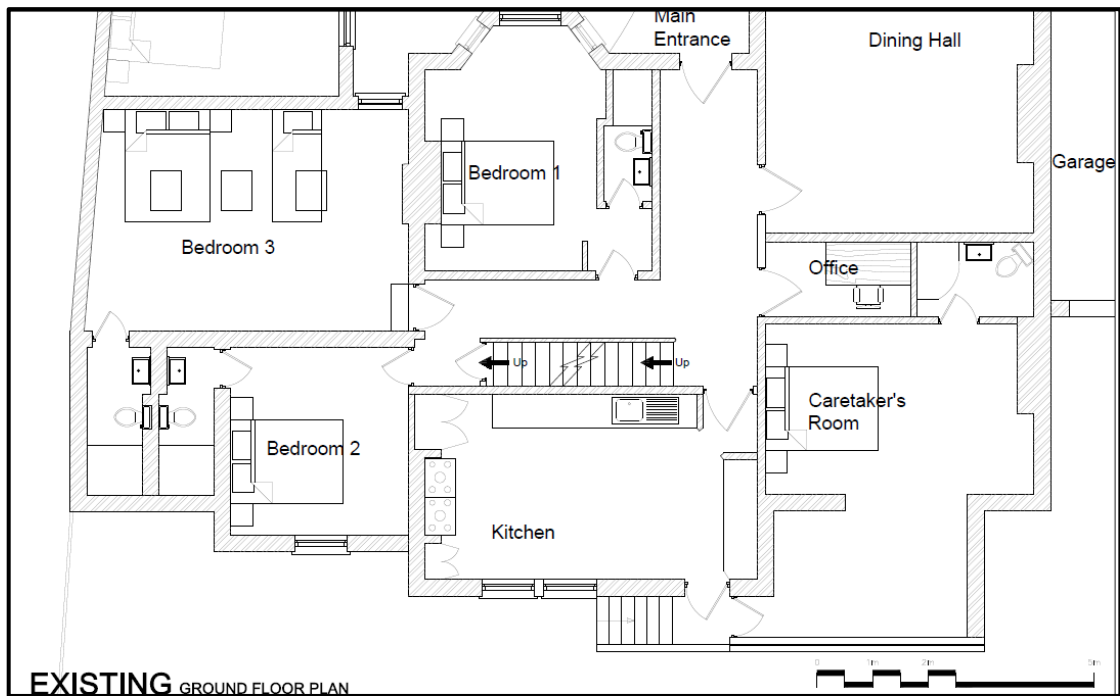


Figure 5 Existing Ground Floor

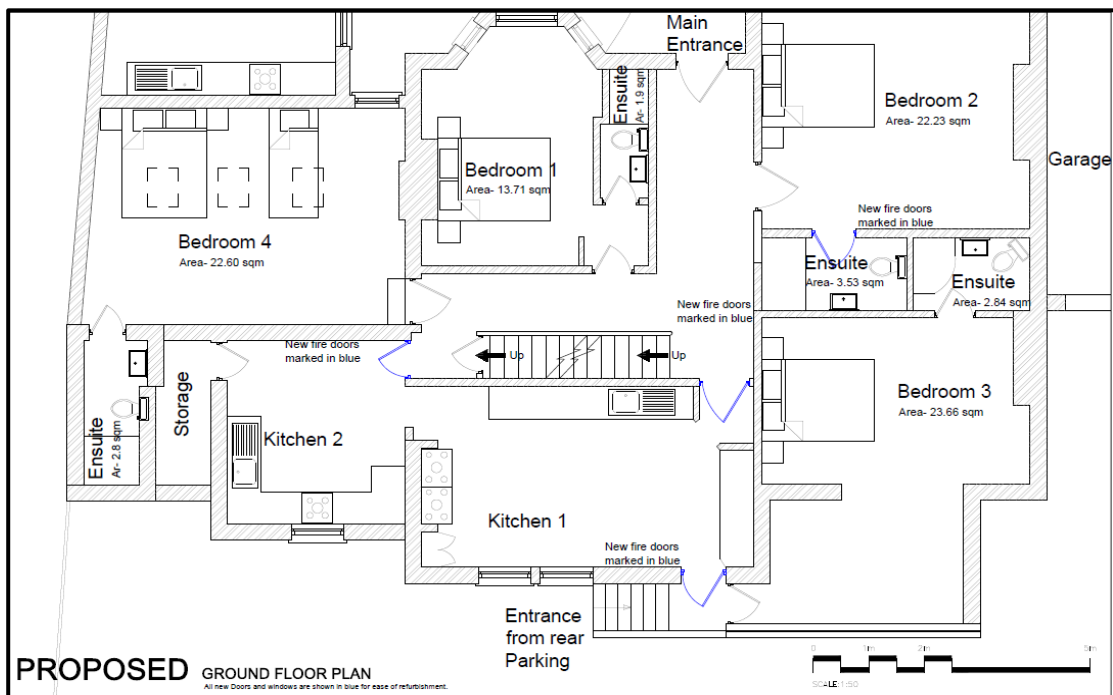


Figure 6 Proposed Ground Floor

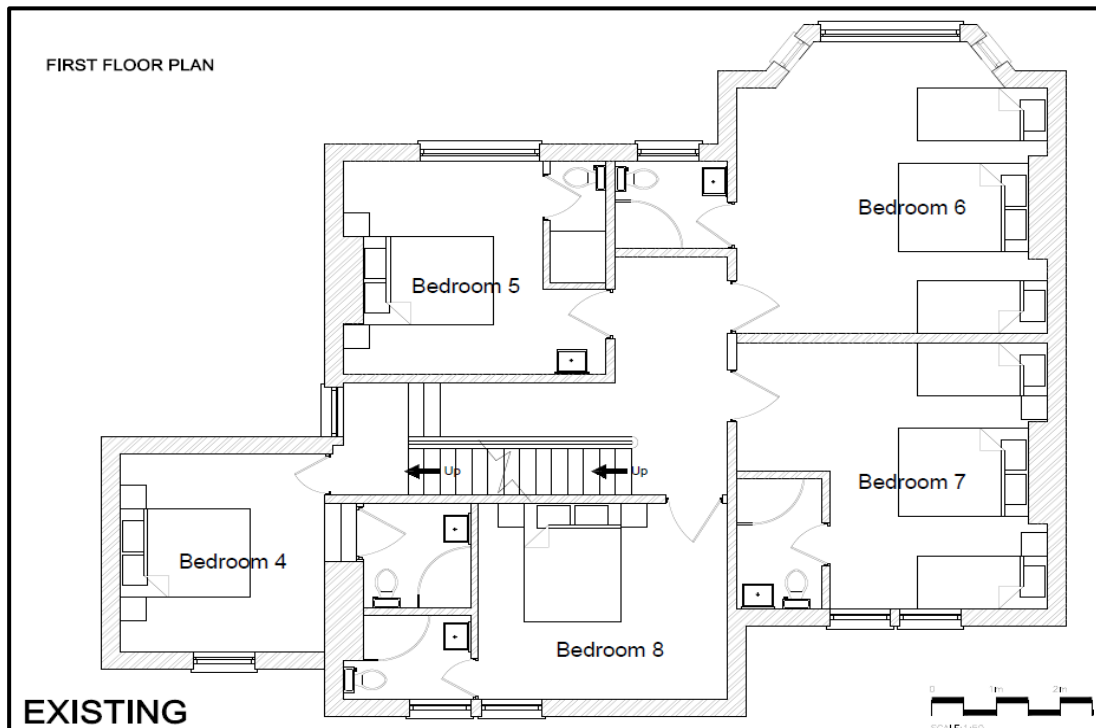


Figure 7 Existing First Floor

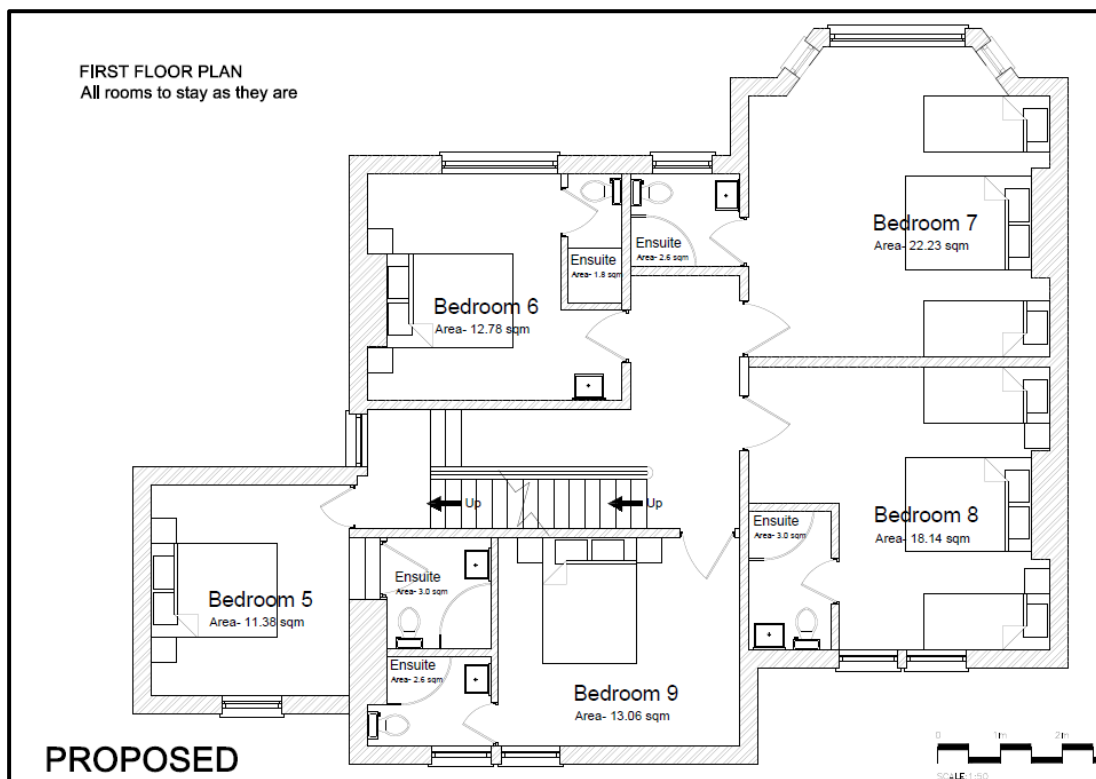


Figure 8 Proposed First Floor Plan

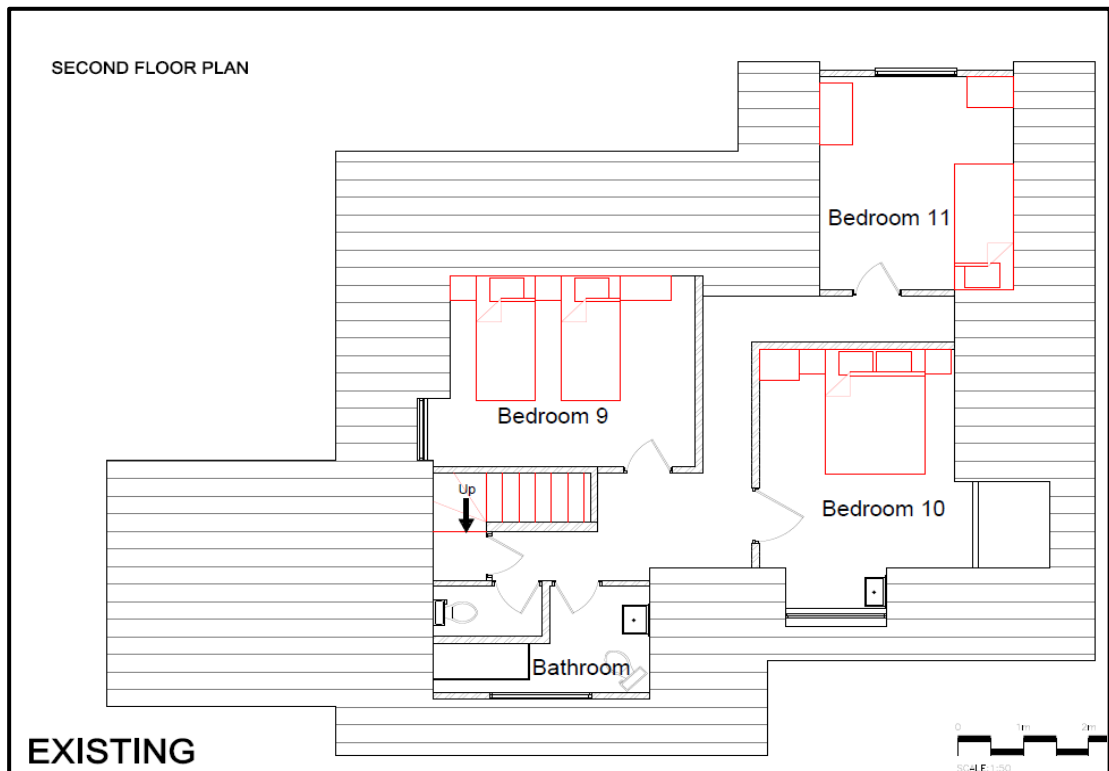


Figure 9 Existing Second Floor

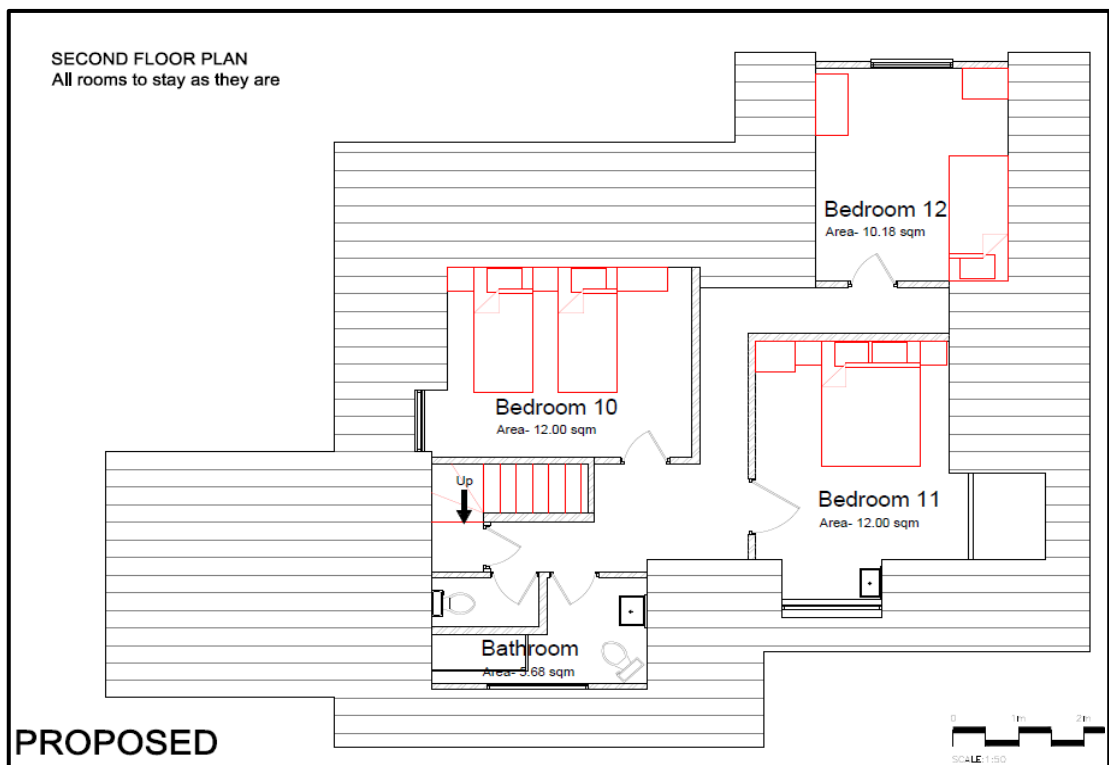


Figure 10 Proposed Second Floor

Relevant Planning History

04/01484/AS – Change of use from guest house (Class C1) to therapeutic children's home (Class C2) – refused on the basis that the proposed use with its limited external amenity space would give rise to unacceptable levels of noise and disturbance.

Consultations

Ward Members: Both Ward Members are members of the Planning Committee.

KCC Highways: No comment. This is not a category of development which requires consultation with KCC Highways.

Environmental Health: No objection.

Housing Services: No comments received.

Neighbours: 27 consulted, site notice posted, press advert; 2 representations have been received objecting to the application on the following grounds:

- Inaccuracies in the application.
- Occupancy levels and the demand for parking.
- Types of occupant.

(JDCM Comment – I am satisfied that the information contained in the application is sufficient to make it valid. The type of occupant is not a matter which can be considered as part of the processing of this planning application. Members of the committee need to determine whether the proposed change of use is acceptable in principle).

Planning Policy

10. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
11. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS9 Design Quality

CS13 Range of Dwelling Types and Houses

CS17 Tourism

Urban Sites and Infrastructure Development Plan Document (USIDPD)

U0 Presumption in Favour of Sustainable Development

Ashford Borough Local Plan 2000

EN16 Development in Conservation Areas

Local Plan to 2030

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU11 Houses in Multiple Occupation

HOU12 Residential space standards internal

HOU14 Accessibility Standards

HOU15 Private external open space

TRA3a Parking Standards for Residential Development

12. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Residential Parking Supplementary Planning Document (SPD)

Residential Space and Layout SPD (External Space Standards Only)

Government Advice

National Planning Policy Framework 2012

National Planning Practice Guidance

13. 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.

14. **Other Government Policy**

DCLG Technical Housing Standards – Nationally Described Space Standard

Assessment

15. The main issues for consideration are:
- Loss of the B&B /principle of development;
 - Impact on the Conservation Area;
 - Residential amenity; and
 - Parking and highway safety

Loss of the B&B / Principle of Development

16. In establishing whether or not the principle of development is acceptable, it is necessary in the first instance, to consider the loss of the Bed and Breakfast against any relevant Development Plan policies.
17. I am advised by the agent on behalf of the applicant that the conversion of the building is proposed for reasons relating to financial viability. The NPPF seeks to build a strong competitive economy and this is the thrust of policy CS17 which seeks to retain existing tourist facilities. Neither the NPPF nor policy CS17 set out criteria against which the loss of tourist facilities should be considered.
18. The site is located in a predominately residential area on the edge of the Town Centre. The B&B is not the last remaining facility of this kind. On the contrary, a wide range of alternative tourist accommodation offering either a similar or better level of accommodation would remain within and around the Town Centre. It is also noteworthy that in 2004 when planning permission was refused for the change of use to a therapeutic children's home, this was not

due to the loss of the B&B as a tourist facility. Advice then was that the loss of this facility would not adversely impact on tourism within the town or Borough as a whole. As such I do not consider that the loss of this B&B facility would constitute grounds for refusal or result in any material harm.

19. In respect of the proposed use to a large HMO, the building is located in close proximity to the town centre and all the amenities and public transport opportunities it provides. It is therefore sustainably located. Policy HOU11 of the consultation draft Local Plan 2030 sets out the criteria against which to assess changes of use to either small or large HMOs this being impact on residential amenity, visual amenity and highway safety. Although the policy carries little weight these are the critical impacts upon which to assess this application and they are discussed in subsequent sections. Subject to no overriding harm being demonstrated then I consider the proposed change of use from B&B to large HMO acceptable in principle.

Impact on the Conservation Area

20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy EN16 of the Ashford Borough Local Plan 2000 is consistent with this and applies the same tests.
21. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage. Relevant Core strategy policies CS1 and CS9 require good design.
22. The above criteria are consistent with Government policy set out in the NPPF which seeks to safeguard heritage assets, and ensure new development responds positively to its context by indicating that Local Planning Authorities should seek to promote or reinforce local distinctive.
23. Also of relevance is emerging policy HOU11 as referred to above. The policy permits HMO's taken by themselves or in combination with existing HMO's in the vicinity of the site provided, amongst other things; that they would not result in an unacceptably harmful impact upon visual amenity.
24. In this instance, the appearance of the building remains unchanged. Indeed, at page 12 the Design and Access Statement makes it clear that no external alterations are proposed. Accordingly, the attractive appearance of the building would continue to enhance the appearance of the conservation area.

25. The adequate and suitable storage of refuse is an important factor in ensuring that visual amenity is safeguarded. It is unlikely that the use of the premises as a HMO would generate significant amounts of refuse over and above the use of the premises as a B&B. There appears to be sufficient space within the application site to ensure that this remains the case. There also appears to be existing facilities on site which could have the capacity to provide internal storage for refuse. In the interest of visual amenity, I recommend a condition is imposed upon any subsequent grant of planning permission to ensure the adequate provision and retention of storage for refuse.
26. For these reasons the proposal would comply with the aforementioned legislation, development plan policy and national policy guidance.

Residential Amenity

27. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Emerging policy HOU11 indicates that HMO's taken by themselves, or in combination with existing HMO's in the vicinity should not result in unacceptably harmful impacts to amenity caused by increased noise and disturbance.
28. With regards to the proposed use of the premises, the level of noise and/or disturbance caused by virtue of the use of the building as a HMO needs to be balanced against the existing use of the premises as a Bed and Breakfast.
29. The existing Bed and Breakfast has 13 Bedrooms and 32 bed spaces. Under the current proposals, the amount of sleeping accommodation would not increase. The HMO proposes 12 bedrooms and 1 flat with a total of 25 bed spaces. There are no conditions restricting the use of the Bed and Breakfast. The use of the Bed and Breakfast has a potential for noise and disturbance with guests arriving/leaving at any time of the day including during unsociable hours. It also has the potential for a high turnover of people. As the HMO has a similar number of bedrooms with fewer bed spaces, the HMO is likely to generate similar levels of occupancy when compared with the use as B&B. Furthermore, it is not unreasonable to assume that the proposed use may even result in a net benefit in terms of the turnover of people, as occupants of the HMO are likely to reside for longer than the average tourist. Consequently I consider that the proposed use would have no greater impact on the residential amenity of existing residents over the existing use as a B&B.
30. With the exception of Flat 1 the proposal does not relate to the creation of a new dwelling. However, in order to ensure adequate levels of amenity for future occupiers it is reasonable to apply the National internal space

standards to the size of the bedrooms. In accordance with the standards single bedrooms should have a GIA of 7.5m² and a width of at least 2.15m. Double or twin bedrooms should have a GIA of 11.5m² and a width of at least 2.75m. I can confirm that the width of every bedroom complies with the standards. With the exception of bedroom 5, the floor area of every bedroom also complies with the standards. Bedroom 5 fails the standards by 0.12m² which in my view is immaterial and is not sufficient failure to result in any harm to the amenity of the occupier.

31. With regards to the self-contained flat, this would have 1 bedroom and since submission the plans have been amended to show 1 bed space. In accordance with the standards the flat should benefit from a gross internal floor area (GIA) of 37m² and built in storage of 1m². Although the size of the bedroom complies with the standards and the boiler cupboard could double up as adequate built in storage, at approximately 30m² the overall GIA fails the standards by 7m². Although referred to as a flat due to its self contained nature it is effectively part of the HMO and slightly larger than the other room so as to provide a kitchenette and separate living area from the bedroom.
32. The occupants of the premises would benefit from communal open space in the form of the garden located to the front of the property and a small area to the rear. In addition, the site is located in close proximity to Green space within the Town Centre which is within a short walking distance.
33. For the reasons set out above, I am satisfied that the proposed development would not unacceptably harm the residential amenity of existing and future residents and as such complies with the development plan.

Parking and Highway Safety

34. Emerging policy HOU11 seeks to ensure that the proposed use as an HMO would not compromise highway safety through insufficient parking. Other than the criteria set out in emerging policy HOU11, there are no prescribed parking standards for HMO's.
35. There are 4 - 5 parking spaces available to the rear of the property. Parking in Canterbury Road is restricted by double yellow lines and Lower Queens Road is permit holders only or limited by time restriction of up to 2 hours. As such, the proposals are unlikely to result in any significant parking problems through occupants of the HMO parking on the surrounding highway network.
36. Given the comparative number of bedrooms and fewer bed spaces, the traffic and parking requirements arising from the proposed use are likely to be less than the use as a B&B. The site is located within close proximity to the Town

Centre with excellent access to amenities and public transport links and is likely to appeal to occupiers without cars.

37. As such I consider that the traffic and parking arrangements are acceptable and that the proposed use would not result in any significant intensification in parking requirements which would compromise highway safety.

Human Rights Issues

38. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

39. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

40. The loss of the B&B facility would not compromise the provision of tourist facilities available in the Town Centre / Borough. Furthermore, the loss of the facility would not be contrary to any established tests set out in development plan policy or national planning policy guidance. As such, it is considered that the principle of development insofar as the loss of the Bed and Breakfast is concerned is acceptable.
41. No external alterations are proposed and so the attractive appearance of the building, would therefore continue to enhance the appearance of the conservation area. Adequate space is available within the site to secure adequate/suitable storage for refuse.
42. When balanced against the existing use the proposed use is considered to be less intrusive / comparative and therefore it is not considered that the development would harm the residential amenity of neighbouring occupants in accordance with local plan guidance and the national planning policy framework. I am satisfied that on balance the accommodation is adequate to ensure that there would be no harmful impacts upon the future occupants.

43. There is unlikely to be any substantial increase in the demand for parking over and above that arising from the use of the site as a Bed and Breakfast. Indeed the change of use is likely to lead to a reduction in the number of occupants with cars. As such, I consider that the traffic and parking arrangements are acceptable and would cause no harm to highway safety.
44. For the reasons above I consider that the scheme is acceptable. It is therefore recommended that this application is approved as it accords with the relevant Development Plan policies and the relevant policies in the emerging Ashford Local Plan 2030 and gives rise to no unacceptable harm

Recommendation

Permit

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Before the use is commenced, details for the storage and screening of refuse and bicycles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter and access to these facilities shall not be precluded.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

4. The vehicle parking spaces and garages located in the car park to the rear of the premises identified on drawing number 1072_01 Rev B shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking.

Reason: To ensure adequate provision for vehicle parking in the interest of highway safety, and in the interest of visual amenity.

5. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

6. The HMO shall not be occupied as a main residence by more than 12 individuals without prior written approval from the Local Planning Authority.

Reason: The occupation of the property by more than 12 individuals may represent an unacceptably over intensive use of the building, substandard accommodation, poor levels of amenity for the occupants, and/or harm to the residential amenity of neighbouring occupiers.

Note to Applicant

1. **Working with the Applicant**

Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,

- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- The applicant/agent was updated of any issues after the initial site visit and provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00996/AS.

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Annex 1

