

Land at Mill Road Epsom Surrey

Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs) (Description amended 29.03.2017)

Ward:	College
Contact Officer:	John Robinson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLDAZMGYFWO00>

2 Summary

- 2.1 The application seeks the variation of Condition 11 of the extant planning permission 14/01784/FUL to allow the occupation of units by students and/or other persons, as Houses of Multiple Occupation (HMOs).
- 2.2 This application has been submitted to committee at the request of Cllr Michael Arthur.

2.3 The application is recommended for REFUSAL

3 Site description

- 3.1 The application site comprises an area of land forming a long and narrow strip, north west of Mill Road and south east of the railway embankment, which drops down to the actual railway line. It has a total length of just less than 300 metres and is approximately 0.4 hectares in area
- 3.2 Members may recall that planning permission (14/01784/FUL) was granted in November 2015 for student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping.

4 Proposal

- 4.1 The application seeks the variation of Condition 11 (Use restriction) :
- *The development shall be used for residential student accommodation only and for no other purpose. Reason: To ensure a satisfactory form of*

use of the premises as required by Policy CS5 of the Core Strategy (2007)

- of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs) . The units would be accommodated in Blocks A1, B6, B8, B9, D5, and D7 of the extant scheme.

4.2 In support of the application, the applicants submit the following:

- “It was the applicant’s intention and expectation that students who attended the University of Creative Arts (‘UCA’), which has a campus in Epsom, would be the only persons who would occupy the units. Prior to the application being made and for some time afterwards, the applicant was in advanced talks with UCA to enter into a formal nomination agreement/lease agreement with them which would guarantee occupation of the units by UCA students. UCA is no longer willing to commit to a formal agreement to take all or any of the units, (preferring instead only to ‘signpost’ students towards the accommodation) as a result of which funders for the building project are unwilling to lend funding for the construction of the project, so that the construction of this much needed accommodation is now uncertain.

4.3 As a result, and in order to secure funding to build the units, the applicant wishes to amend the wording of Condition 11 of the planning permission so that the units can lawfully be occupied by students and/or other persons, as Houses of Multiple Occupation (‘HMOs’). Amending condition 11 to allow the development to be occupied as HMOs as well as student accommodation will reduce the likelihood of any of the units being empty, and will therefore make the project attractive to funders”.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 91 neighbouring properties, and site notice. To date (28.03.2017) 54 letters of objection have been received regarding:

- Out of keeping.
- Noise and disruption
- Traffic congestion
- Parking provision
- Overbearing, overlooking, loss of light
- Contrary to Local Plan policies
- Lack of need for HMO’s

- The area is largely family based residential occupation which is likely to be adversely impacted by the range of residents who make use of multiple occupation properties with very different lifestyle considerations, usually increasing noise and disruption at antisocial hours which would conflict with those of young and older families living in the area.
- There is almost no parking attached to these dwellings and the area will not support any more on street parking, nor deal with the loss of it which will be created by removing available highway on which to park. The residents of Bridge Road and Mill Road already struggle with all-day commuter parking and whilst many have off street availability, opportunity for visitors to park or for those with more than one vehicle are already severely limited.
- Unacceptable increase in the number of car journeys.

Association of Ewell Downs Residents: The area is exclusively family homes and already densely populated. HMOs are completely out of keeping with the area and given the intense pressure on parking and vehicle congestion HMO dwellings are totally inappropriate and unmanageable.

6 Consultations

- 6.1 County Highway Authority: No objections. Conditions to be imposed on any permission granted.
- 6.2 Tree Officer: No objection

7 Relevant planning history

- 7.1 12/00448/FUL: Residential development of 10 No. dwellings: REFUSED. Granted on appeal October 2013
- 7.2 14/01784/FUL: Proposed student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping: GRANTED
- 7.3 15/00553/OUT: Outline planning application for proposed student accommodation with all matters reserved: REFUSED
- 7.4 16/00752/REM: Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs).(Amended layout received 24.10.2016 and description amended 26.10.2016): REFUSED

8 Planning Policy

Core Strategy 2007

Policy CS1	General Policy
Policy CS5	Built Environment
Policy CS7	Housing Provision

Policy CS8	Housing Location
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM21	Meeting Local Housing Need
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for new development
Policy DM37	Parking Standards

Supplementary Planning Guidance

Parking Standards for Residential Development 2015

9 Planning considerations

Previous Application

9.1 A previous application (16/00752/REM) seeking the variation of Condition 11 was refused permission under delegated authority in November 2016 on the following grounds:

- In the absence of clear and robust evidence demonstrating that there is a need for the new accommodation the application would be contrary to Policy DM21 of the Development Management Policies Document -2015
- The increase in parking spaces would lead to an unacceptable erosion of the landscaping treatment at the front of the site, as well as the gap between the buildings. The resultant disproportionate ratio of hard to soft landscaping, would have a harmful impact on the streetscene, and the character and appearance of the wider area, contrary to Policy DM9 and DM10 of the Development Management Policies Document- 2015
- The proposed HMO use would result in a higher level of demand than that generated by student accommodation. In the absence of a Traffic Impact Assessment, the proposed parking is considered to be insufficient which would result in additional on-street parking pressures within Mill Road, to the detriment of traffic and pedestrian safety. The proposed scheme would therefore be contrary to Policy DM35 and DM37 of the Development Management Policies Document - 2015

9.2 This application seeks to address the previous reasons for refusal in the following ways:

- The applicant has submitted additional evidence to demonstrate the need for HMO style accommodation in the area.
- The parking provision has been reduced from the 25 spaces proposed in the previous application to 16.

- The current application is supported by a Transport Impact Assessment (TIA).

Need for HMO Accommodation

- 9.3 Policy DM21 of the Development Management Policies Document 2015 states that the Council will grant planning permission for specialist forms of residential accommodation subject to the following requirements being met:
- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; and
 - The delivery of the new accommodation does not result in an over-provision of that particular type of accommodation; and
 - The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses in the event that the need for the permitted use declines.
- 9.4 With regard to criterion 3, it is considered that the proposed layout would comply with Policy DM21 in that the design would be sufficiently flexible to readily accommodate conversion to other appropriate uses in the event that the need for HMO/ student use declines.
- 9.5 The applicants submit that since the refusal of the previous application, they have undertaken extensive research into the level of need for HMO style accommodation in the area. They undertook desk based research using online data as well as field research. They conclude that “conversations with local estate agents and employers has confirmed that there is a shortage of quality, affordable rental accommodation in Epsom, and that HMO accommodation of the kind proposed would undoubtedly help to fulfil the Government’s intentions to provide renters with better value and more choice”.
- 9.6 The Council’s Strategic Housing Market Assessment (SHMA) 2016 demonstrates that there is an overwhelming demand for market housing (C3 accommodation). This is followed by an acute need for affordable housing (social rented accommodation). It is considered that HMOs are a separate area of need to which the need for in this location and across the borough as a whole would need to be quantified. Whilst it is reasonable to assume that there is a ‘demand’ for HMO-type accommodation, this proposal would result in a rapid and significant increase in provision on what is effectively a single site. The applicant has not set out the market signals to justify why a HMO use should be considered ahead of market housing, where the need is most acute.
- 9.7 Officers are of the opinion that the information supplied in relation to current supply and demand of HMO type accommodation within Epsom appears to be primarily anecdotal. The level of need for HMO type accommodation within the borough has not been quantified, and furthermore, the proposed quantum of provision at the application site has not been justified.

- 9.8 It is therefore concluded that provision of this accommodation, at this concentration, in this location, appears to continue to conflict with the Objective Assessed Housing Need identified within the joint SHMA published 2016, contrary to Policy DM21.

Layout

- 9.9 A revised layout plan has been submitted which indicates the provision of an additional 4 parking spaces to an agreed layout of 12 spaces. There are a number of protected trees within the site and the extant scheme was designed around the trees (which are to be retained.). The location of the parking spaces for the extant scheme was carefully considered by officers, as was the provision of landscaping to provide screening to the parking bays as well as the amount and location of new buildings within the overall site.
- 9.10 The extant buildings would not appear cramped as there would be significant gaps between them which would result in an acceptable overall setting in design terms. The proposed increase in parking spaces would not lead to an unacceptable erosion of the landscaping treatment at the front of the site, or the gap between the buildings.
- 9.11 The ratio of hard to soft landscaping would not be significantly changed and therefore the impact on the street scene, and the character and appearance of the wider area would not be material, and would comply with Policy DM9 and DM10.

Parking and Access

- 9.12 The extant scheme (14/01784/FUL) provides 12 spaces for 77 student bed spaces. It was accepted that student accommodation does not generate the amount of parking demand that residential dwellings do. The applicant previously demonstrated how parking would be managed on site and this is secured by an appropriate planning condition. The previously refused scheme (16/00752/REM) proposed an additional 13 spaces (in total 25) to accommodate the 49 HMO bed spaces. It was considered that HMO accommodation would result in a higher level of demand than that generated by student accommodation and accordingly the proposed parking of this previous scheme was considered to be insufficient.
- 9.13 The application is supported by a Transport Impact Assessment (TIA).The Highways Officer has scrutinised the Assessment and commented as follows:

- 9.14 The number of trips generated by the change from student accommodation to HMO is small, in the order of 15 movements in total in the peak hour. This is an edge of town centre location with good public transport links within easy walking distance of the main shopping areas of Epsom. This is highlighted by the amount of commuter parking, referred to in many objections, which takes place in Mill Road during the day. The parking provided on site for the houses does seem quite low but there is no specific parking standard for this type of housing and the location of the site is in close proximity to all the town centre amenities. On street parking in this area is available although, according to the many objectors, it is currently used by commuters and any overspill from the development is most likely to displace this commuter parking. For this reason I have conditioned the parking areas, as on street parking is more of an amenity issue than a safety issue as it is already taking place in this one way street.
- 9.15 Notwithstanding the highways comments, which in essence raise no objection to the impact of the scheme on the wider highway network, The Parking Standards Evidence Paper supporting the Council's Parking Standards for Residential Development SPD provides clear evidence of local parking issues.
- 9.16 The site survey evidence which was used to support The Parking Standards Evidence Paper and consequently the parking standards which we currently use was conducted in accordance with the guidelines developed by London Borough of Lambeth. The guidelines are an industry standard approach and provide an established and robust methodology that has been used by other local planning authorities. This methodology involves calculating the level of additional on-street parking that a new development might generate, otherwise known as parking stress. High levels of parking stress can affect highway safety, traffic flow, local amenity, access by emergency and refuse collection services and the delivery of goods. By assessing the current level of parking stress in key locations around the borough, it is possible to establish the appropriate level of off-street parking that will be required from new development. This helps to ensure parking stress is not exacerbated to unacceptable levels.
- 9.17 The parking surveys showed that on-street parking stress varies widely across the borough; however in general terms the level of stress was highest at sites immediately surrounding the town centre and lower in other areas. The data collected for Mill Road (by itself) indicates that on the night of the survey there were about 26 spaces available along the entire length of Mill Road. This gave an unrestricted parking stress rating of 46%, which suggests that there was potential on-street capacity (about +20 spaces) at this location. Given that the proposal seeks 49 HMO units, equating to 49 potential separate households and only provides 16 off-street spaces, which suggests a deficit in provision of +10 spaces, which one can reasonably assume will be dispersed elsewhere. If the current proposal were to be implemented, the expected overspill of parking from the development would saturate the surrounding area, thereby leaving no on-street parking capacity for further developments in the future.

- 9.18 Officers consider that 49 vehicles is a possible minimum based on each household owning a car and it is possible that not every household will own a car, but equally it is possible that they will. It is therefore conceivable that in some cases two person households (they do live in HMOs) may own two vehicles. Consequently, it is not unreasonable, given that the applicants have not robustly demonstrated to the contrary, to assume potentially more harmful scenarios based upon such a high concentration of HMOs.
- 9.19 The current scheme proposes a reduced total of 16 on-site parking spaces inclusive of 2 disabled spaces and 2 visitor's spaces. The submitted TIA has concluded that whilst the increase in traffic movements envisaged with the proposed student/HMO appears large, the figures remain acceptable, as movements associated with the student only use were extremely low such that an increase of this level, whilst minor in reality, appears disproportionate.
- 9.20 It is acknowledged that the student accommodation would provide a low baseline (hence the provision considered acceptable in the extant scheme). Notwithstanding this, the increase would need to be proportionally reflected in the on-site parking provision. In light of this, officers are of the view that the proposed reduced provision would fail to provide sufficient on-site parking and would result in additional on-street parking pressures within Mill Road, to the detriment of traffic and pedestrian safety.
- 9.21 The applicants submit that occupants of HMOs tend to earn modest incomes, and therefore their propensity for car ownership is reduced. This statement is supported by reference to three recent Appeal decisions. The included appeal cases (Swansea, Oxford & Marston Green), are in officer opinion, not comparable. Firstly, these are individual conversions not purpose-built accommodation and the resultant provision of bedrooms was significantly lower. Notwithstanding this, each of the appeal cases did provide on-site parking provision (proportionally higher than that proposed in this application). Furthermore, the local context in relation to parking stress and provision is different to that in Epsom.
- 9.22 The applicant remains of the view that it is open to the Council to attach the following condition to the permission which is produced under the s73 application:
- "no vehicles which are under the control of the occupants of any of the units shall be parked on any highways within a 1km radius of the development whilst the occupants reside at the units".
- 9.23 Furthermore they suggest that a clause can be included in the lease entered into by occupants of the Units to reflect this and to ensure that the condition is adhered to.
- 9.24 Officers however remain unconvinced that such a planning condition would be an acceptable way forward for Epsom and Ewell both in workable enforcement terms and its use as a suitable mechanism to successfully address the potential significant car parking impact from this type of accommodation.

9.25 It is therefore concluded that the proposal would be contrary to Policy DM35 and DM37.

10 Conclusion

10.1 It is considered that the proposed amendment to the condition is unacceptable and it is therefore recommended that this application be REFUSED.

11 Recommendation

11.1 Planning permission is refused on the following grounds:

- (1) In the absence of clear and robust evidence demonstrating that there is a need for the new accommodation the application would be contrary to Policy DM21 of the Development Management Policies Document - 2015**

- (2) The proposed HMO use would result in a higher level of demand than that generated by student accommodation. The proposed parking is considered to be insufficient which would result in additional on-street parking pressures within Mill Road, to the detriment of the availability of on-street parking The proposed scheme would therefore be contrary to Policy DM37 of the Development Management Policies Document - 2015**