

**01 Reference Number: 21/01450/RVC**

**Description of application: Variation of condition 4 and removal of condition 6 on 21/00076/FUL to allow permanent change of use to HMO and to agree the submitted management plan for that use of the property (revised description) (readvertised application)**

**Site Address: Castle Lodge, 54 Castle Road, Newport, Isle of Wight PO30 1DP**

**Applicant: Two Saints Ltd**

**This application is recommended for: Conditional Permission**

**REASON FOR COMMITTEE CONSIDERATION**

The development subject of this application is required for Council's purposes as the applicant seeks to provide the accommodation under contract with the Council to support the delivery of its homelessness strategy.

**MAIN CONSIDERATIONS**

- Whether the submitted management plan would comply with the requirements of condition 4 of the original permission 21/00076/FUL
- Whether condition 6, which restricts the HMO use to a period of 3 years, is necessary

**1. Location and Site Characteristics**

- 1.1** The application relates to an existing 8-bed guest house/B&B located in a residential area of Newport, within the defined settlement boundary of the Medina Valley Key Regeneration Area. The property is located toward the southern end, and on the western side, of Castle Road, approximately 150m from its junction with Whitepit Lane to the south and 130m from its junction with Linden Road to the north. Carisbrooke High Street (B3401) is approximately 180m to the west of the site. The property is bounded to the west, north and south by residential properties and to the east by Castle Road, as well as residential properties opposite.
- 1.2** The surrounding area is characterised by a variety of bungalows and two-storey detached, semi-detached and terrace residential properties, dating from the later Victorian period/early 20<sup>th</sup> century, as well as later infill development. Properties generally front the road in a tightly knit arrangement, set back behind small frontages, with rear gardens. There are also larger residential complexes providing older persons' retirement/Extra Care housing off Whitepit Lane (Furze Brake and Evans Williams Court) not far from the site.

**1.3** The application property comprises a principal 'Arts & Crafts' mock-Tudor style building of two storeys, dating from the early part of the 20<sup>th</sup> century, with a later single storey wing on its northern side, dating from the later part of the 20<sup>th</sup> century. This later addition extends back close to the rear (western) site boundary. The frontage is open to Castle Road and extensively hard surfaced (tarmac), providing space for car parking, save for a low wall and boundary fence along its northern boundary. On its southern side, this parking area is open and continues across the frontage of the neighbouring property, 56 Castle Road. The property also benefits from an existing shed/outbuilding, and modest courtyard garden measuring about 10.6m x 6.4m.

**1.4** Internally the existing building provides the following accommodation:

#### Ground floor

- Owner's living room and kitchen/diner
- Resident's lounge
- Dining room
- 4x en-suite bedrooms within the ground floor later extension

#### First floor

- Owner's bedroom, bathroom and dressing room
- Family suite (2x bedrooms and bathroom)
- Additional en-suite bedroom

This existing arrangement can be viewed on plans submitted with the original planning application 21/00076/FUL.

**1.5** Castle Road is a one-way residential street, with pavement and on-street parking along its eastern side. Within the vicinity, and across the application site, there is no pavement.

**1.6** There have been no changes to the existing property or its surroundings since the original application was decided by the committee earlier in the year – see relevant history below.

## **2 Details of Application**

**2.1** This application seeks to modify the conditions of planning permission 21/00076/FUL ("the original permission") which was granted earlier in the year following determination of this application by the Committee at its June meeting. The original permission authorises use of the property as an HMO with the applicant intending to use the property to provide stage 2 homeless accommodation.

**2.2** The application targets conditions 4 and 6 of the original permission, which required agreement and adherence to a management plan for the HMO use of the property and limited the life of the permission to 3 years. For convenience, the wording of conditions 4 and 6, and the reasons for imposing these conditions are

set out below:

#### Condition 4: Management Plan

Prior to commencement of the use hereby permitted, a Management Plan for the property shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following details:

- How future residents would be selected for residency within the property.
- Security measures to be implemented, including CCTV and access controls.
- How residents would be supported during their residency.
- How any incidents of anti-social behaviour and/or noise disturbance would be addressed.
- How any complaints received in respect of residents' behaviour would be dealt with.
- Those responsible for the implementation of the Management Plan.

The agreed Management Plan shall be implemented and adhered to for the duration of the use of the property hereby permitted. Should the Management Plan not be implemented or complied with, the use of the property as an HMO shall cease.

**Reason:** To protect the amenities of the area, those of neighbouring residents, as well as those of future occupiers of the accommodation in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

#### Condition 6: Temporary Permission (3 Years)

The use hereby permitted shall cease after the expiry of 3 years from the date of commencement of that use. Thereafter, the use of the site and building shall revert to its previous lawful use.

**Reason:** To enable the Local Planning Authority to reassess the impact of the use hereby permitted on the amenity of the area and the amenities of neighbouring residents and to ensure that it would not have a longer term harmful effect on the surrounding area and local community in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

**2.3** The applicant proposes variation of condition 4 to agree the management plan submitted with this application, and removal of condition 6, so that the permission would not be temporary for 3 years but would, once implemented, continue to run with the land. No other changes to the conditions of the original permission are proposed.

**2.4** This application is solely concerned with the conditions imposed on the original permission, with the HMO use of the property already having the benefit of the original permission, which would remain extant and capable of implementation irrespective of the outcome of this application.

**2.5** For the avoidance of doubt, this application does not seek to change the previously agreed layout of the accommodation or the maximum occupancy of the property, which has been limited to 12 residents by virtue of condition 5 imposed on the original permission.

### **3 Relevant History**

**3.1** 21/00076/FUL: Change of use from guest house to HMO: granted 25 June 2021.

### **4 Development Plan Policy**

#### National Planning Policy

**4.1** The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF confirms that in the context of sustainable development the planning system has three overarching and mutually interdependent economic, social and environmental objectives.

**4.2** The NPPF states that there is a presumption in favour of sustainable development and at paragraph 11 it explains that for decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**4.3** At paragraph 127, the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive with good architecture, efficient site layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**4.4** With regard to planning conditions, the NPPF states conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. It adds, conditions that are required to be discharged before development (in this the HMO use) commences should be avoided, unless there is clear justification.

#### Local Planning Policy

**4.5** The Island Plan Core Strategy defines the application site as being within the Medina Valley Key Regeneration Area and its defined settlement boundary. The following policies are relevant to this application:

- DM2 Design Quality for New Development

#### Relevant Supplement Planning Documents (SPDs)

**4.6** The Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (SPD) came into force on 23 January 2017. The document sets out the expected parking provision for motor vehicles and the minimum number of cycle parking spaces required for all use-classes as part of new development, as well as the infrastructure requirements for electric vehicles.

**4.7** The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD) came into force on 23 January 2017. The document seeks to ensure that new developments include suitable provision for the storage of recycling and waste containers and ease of access to collection points as well as adequate access for refuse collection vehicles.

#### Other relevant strategies/guidance

**4.8** The Council's current Housing Strategy for the Island (2020-2025) establishes a vision "*to enable everyone living on the Island to have a place they call home and can live with independence*". Linked to this, the strategy sets a strategic priority for preventing and reducing homelessness and rough sleeping through effective prevention work by expanding accommodation options and linked support services. To this end, it aims to:

- Take a person-centred approach to ensure each resident's housing needs

are met.

- Reduce dependency on bed and breakfast accommodation and improve the amount and quality of temporary accommodation.
- Provide specialist accommodation as required to support those whose needs require a more bespoke approach.

Paragraph 135 of the strategy sees reducing homelessness and helping people to establish themselves and maintain a stable home as critical to the Island's future prosperity, both for individual's themselves and the Island as a whole.

**4.9** Complementing the Housing Strategy, the Council's Homeless and Rough Sleeping Strategy 2019-2020 also sets out the following strategic aims to make:

- Homelessness in all its forms a rare occurrence.
- Homelessness a brief experience – we will give individuals and families choice and control by systematically improving pathways, support and accommodation options to reduce the trauma associated to homelessness.
- Homelessness a one-off experience – we will increase access to settled homes.

**4.10** The Solent Recreation Mitigation Strategy (Bird Aware Solent) aims to prevent bird disturbance within the Solent Special Protection Area (SPA) from recreational activities through a series of management measures, implementation and monitoring of the effectiveness of these measures funded by developer contributions from new residential development within a 5.6km buffer zone of the SPA.

**4.11** Advice on Achieving Nutrient Neutrality for New Development in the Solent Region, version 5 (June 2020) sets out Natural England's approach to assessing and mitigating the impacts of new developments on designated sites in relation to nutrients. The document advises that new development should achieve nutrient neutrality to ensure that it does not add to existing nutrient burdens and provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

## **5 Consultee and Third Party Comments**

### Internal Consultees

**5.1** Environmental Health Officer has confirmed that the proposed management plan has satisfied concerns over potential for noise nuisance. However, he has requested that if permission is granted, it is conditional on the applicant being successful in their bid for further funding, that on-site staff presence on an almost 24/7 basis as described in the management plan is provided. A condition ensuring the management plan would be adhered to at all times has also been requested. Comments from the Designing Out Crime Officer regarding the need for further detail on the CCTV system and door entry system are also agreed with.

## External Consultees

- 5.2** Hampshire Constabulary's Designing Out Crime Officer has confirmed that the proposed management plan appears to comply with condition 4 and covers many of the points raised within his letter of 9<sup>th</sup> February 2021 in response to the original planning application 21/00076/FUL. Also, that a comprehensive package of measures would be provided to ensure safe accommodation together with management of clients to enable them to move into permanent accommodation. He has commented that to effectively manage clients, staff will have to be on site at the times when they need support and that might entail staff being present at all times. He has confirmed that the proposed management plan shows a reasonable level of staffing with additional staffing hours being considered.

In terms of security measures, it is noted that door entry and CCTV systems are to be installed but no/limited details of these systems have been provided. It has been advised that the door entry system should be an audio and visual access control system and that there would be concerns if individuals were able to allow visitors into the building from their bedrooms. Requirements for bedroom doors are also set out.

With respect to condition 6, it has been observed that this condition makes the future of the facility uncertain, may compromise the ability of the applicant to support the Council in delivering its homeless strategy, and that closure of the facility would cause disruption for those residents at the time.

## Parish/Town Council Comments

- 5.3** None received.

## Third Party Representations

- 5.4** 25 comments have been received from local residents who object, raising the following concerns/issues:

- Not an appropriate location for such a facility.
- Effect of use on local residents' health and wellbeing, noise and disturbance and anti-social behaviour.
- Incident/performance data of other similar facilities run by applicant not provided.
- Condition 6 still necessary as it provides protection for the local community and neighbourhood, giving time for the impacts of the use to be assessed, any problems/concerns highlighted and raised, for assurances provided by applicant to be demonstrated, and for the Council to review the use and whether it was viable and suitable for this residential street.
- There would be no recourse in the future if the 3-year time limit were removed and this could have longer term implications for residents' quality of life/the neighbourhood.
- 24/7 on-site staff presence/support is necessary. Withdrawal or lack of 24/7 on-site support could leave future residents feeling vulnerable.
- There would be no staff on duty at times when antisocial behaviour is more

likely to occur.

- Management Plan does not stipulate times when on-site staff support would be provided and relies on CCTV for monitoring. The plan should secure exact times, with Saturday nights and early hours of Sunday morning being the times of greatest risk.
- Management Plan submitted only deals with on-site security measures.
- Funding/financial viability irrelevant to the planning application. If there are no issues with the use, then the condition making the permission temporary for 3 years would not be a risk for the applicant/funders.
- Queried why funding cannot be obtained as the property would be still be an appreciating asset that could be disposed of and if there were no issues the HMO would remain. Homes England's funding criteria seems to relate to life expectancy of the building rather than its use.
- Committee already made the correct decision and no changes/evidence to justify a different decision being made.
- Need for HMO questioned.
- No need for development, appear to be fair quantity of provision for vulnerable people in the locality and spare provision at old Barton Primary School for the accommodation sought.
- Objections on original application should be considered.
- Conditions originally imposed should be maintained and adhered to.
- Access to the property.
- Applicant has failed to engage and consult with local community.

**5.5** The Local Councillor has objected to the application on the following grounds:

- Conflict with policy SP4 in the existing Island Plan
- Potential for noise and disturbance from use
- Layout and density of building

## **6** **Evaluation**

Whether the submitted management plan would comply with the requirements of condition 4 of the original permission 21/00076/FUL

**6.1** Condition 4 of the original permission required a management plan for the permitted HMO use of the property to be submitted to and approved by the Local Planning Authority to ensure that measures would be implemented as part of the day-to-day management and operation of the use to address/mitigate concerns that it may adversely affect the surrounding area, neighbours and the local community, as well as future residents, particularly in terms of noise and disturbance, crime and anti-social behaviour. The condition required that the management plan include how residents would be selected and supported, security measures to be implemented, how any incidents would be addressed and complaints raised and dealt with, and setting out who would be responsible for the implementation of the management plan.

**6.2** In terms of selection, the management plan submitted by the applicant states that the property would be used to provide affordable social rented accommodation for those (18+) who have found themselves previously homeless, providing specialist

("stage 2") housing to meet the needs of the local/Island community, and to eligible households whose needs are not met by the market. It adds that individuals would not be placed direct from the street, but would have gone through a more intensive stage 1 scheme on the Island and would be first referred to a housing and support partnership panel (chaired by the Council and made up of different organisations helping to deliver the Council's homelessness pathway) before being placed at Castle Lodge with a relevant occupancy agreement and support plan in place. The plan states that individuals would be placed in the property when ready to live more independently and successfully at the property and explains that the overall objective of the Panel is to "*ensure that Clients referred into and transferring within the Pathway are supported through an efficient and inclusive process that enables people to access the most appropriate service for their needs and to ensure that the Client is supported to meet their outcomes and sustain positive changes in their lives*".

**6.3** By way as a reminder for councillors, the Council's staged model for its homeless pathway comprises the following stages, with Castle Lodge proposed to accommodate those at stage 2 under a contract the applicant has with the Council:

**Stage 1** Includes Housing First, Assessment/Intensive Support Hub, Wet provision and a range of other units as agreed that meet the requirements of the pathway (i.e. some 16/17-year old provision). An example of individuals that access these services are those that may be assessed as having complex needs; the risks posed to individual and/or others will be high; they are likely to require intensive/specialist support to keep them safe from significant harm. Staffing is likely to be required 24/7 other than for Housing First.

**Stage 2** An example of individuals that access these services are those individuals that need support to develop the skills needed to live independently; individuals may be complex but are generally engaging with services to address their needs; assessment of need and risk is primarily assessed as medium or below. Identified by stage 1 or 3 as requiring a higher or less supportive provision.

**Stage 3** Low level support to individuals making the final step towards their own tenancies.

**Stage 4** – Resettlement.

As the Council's Housing Needs Service Manager previously advised, those on the pathway would be moved between stages depending on risk and support requirements.

**6.4** In relation to support provision for future residents, the management plan states that each resident would have an individual support plan to enable them to work with well-trained staff facilitating progress and then ultimately enabling them to move onto more independent accommodation when ready to do so, with residents generally staying at the property for an average 3-12 months during which time more suitable and long-term housing solutions would be identified.

**6.5** Hours when on-site staff support would be provided at the property are set out in the plan:

Mon-Fri 8am – 8pm (additional cover between 8pm and 8am)  
Sat & Sun 8am – Midday (additional cover between 8pm and 8am)

In terms of 'additional cover', the submitted management plan states that the applicant is currently waiting on agreement from IWC Housing Benefit regarding income to support this additional provision. The applicant has now confirmed to officers that subject to obtaining the amended permission sought, Housing Benefit has agreed to this in principle which would mean that this 'additional cover' would be provided.

**6.6** Although there would not necessarily be on-site staff cover between the hours of Midday to 8pm on weekends, round the clock cover would be provided by an on-call manager who would be available 24/7 through the week and could reach the property within an hour of a call being received. The plan also states that if circumstances arise where 24/7 on-site staffing presence is needed (i.e. to include on-site staff provision between Midday and 8pm on weekends), the applicant would be able to provide this until it is no longer required, and the property would also have the facility for staff to be able to visit 24/7 if required, either at the request of individuals or if any queries are raised by neighbours, local councillors, the Police etc. A free phone would also to be provided with the property (with numbers for the emergency services and the on-site manager pre-programmed).

**6.7** Regarding the proposed level of staffing support, the Designing Out Crime Officer has commented that the management plan would provide for a reasonable level of staffing with additional staffing hours being considered, and that in addition to the proposed hours of attendance, staff can be made available at short notice at any time and if required for 24 hours. He has confirmed that in his opinion the proposed staffing hours (together with the additional hours that are provided for) would provide for effective management of residents.

**6.8** Taking into consideration the comments received from the Designing Out Crime Officer, as well as those received from the Environmental Health Officer and local residents, Officers consider that the level of support to be provided to residents would reflect their identified needs and stage on the pathway, and would positively respond to the concerns raised regarding the need for 24/7 support to be available to future residents of the HMO.

**6.9** In addition to the availability of staff support and on-site staffing presence, the plan provides for security measures to be implemented at the property. These would include installation of CCTV, as well as a door entry system and access controls. The CCTV system would enable the applicant to monitor the property 24/7 on and off-site, with staff able to view it via their mobile phone. This CCTV system would not only act as a visual presence and deterrent but would also provide evidence should any incidents occur, or concerns be raised. The Designing Out Crime Officer has commented that the CCTV system to be installed should be designed and installed by a person(s) suitably accredited to

design and install CCTV systems and that an Operational Requirement is drawn up to determine the what, where and why for the CCTV system. Officers have recommended that the final design of the CCTV system to be installed is agreed via a planning condition.

**6.10** In terms of access controls, a door entry system would be put in place to include an intercom and Keyless Access Control System. Residents would be provided with keys/fobs to their own personal room and the main front door, but residents would need to physically come to the front door to engage with visitors. The applicant states within the management plan that fobs could be changed if they were lost or stolen to maintain security. No further details of the door entry system have been provided and the Designing Out Crime Officer has commented that it should include both an audio and visual access control system. Furthermore, he has stated that he would be concerned if individuals were able to allow visitors into the building via their bedrooms. Officers have recommended a condition that final details of the door entry system and access controls to be put in place at the property are agreed in consultation with the Designing Out Crime Officer and implemented before the HMO use begins.

**6.11** Concerns have been raised by local residents that the management plan deals with on-site security and does not put in place measures to promote a secure environment beyond the site. However, when considered as a whole, the management plan includes a range of measures from resident selection and provision of on-site staffing support and a tailored support plan for residents of the property, and installation of a CCTV system, including to external areas around the property. Furthermore, the submitted plan also sets out measures to promote residents' good behaviour and for complaints to be raised and dealt with. These include

- informing future residents that their place at the property would be put at risk if they negatively impact other residents or the community with people being moved back to more intensive accommodation if necessary.
- Providing the community with a contact number via which any queries, concerns, complaints could be raised to the applicant. These would then be followed up to ensure any negative impact caused by residents or their associates is stopped.

The applicant confirms that they also have an established formal complaints process that the local community can utilise. Furthermore, the Design Out Crime Officer has commented that Hampshire Constabulary must deal with complaints when and where they occur. The Environmental Health Officer has also confirmed that the management plan has satisfied his concerns over potential nuisance issues. Therefore, when the measures set out in the management plan are considered as a whole, including ensuring the appropriate placement of future residents in the first place, it is considered that the proposed management plan would meet with the requirements of condition 4, and would promote a safe and secure environment and would proactively seek to avoid, deter and minimise incidents of antisocial behaviour and nuisance that may arise and that appropriate measures would be out in place to tackle any incidents/complaints to ensure they would be effectively dealt with and would not reoccur.

- 6.12** The applicant has confirmed that they would be responsible for implementation of the management plan in partnership with the Council through regular communication and formal contract review and monitoring meetings. It is appreciated that residents have raised concerns with effective implementation of the management plan given their experiences of the applicant. However, in terms of this application, the Council must only consider the use proposed and not who the future operator of that use may be as that could change in the future. Furthermore, officers consider that in terms of implementation of the management plan, this is a requirement of condition 5, with this condition including a provision that should the agreed management plan not be implemented that the HMO use of the property cease. The applicant has confirmed that they would take on responsibility for the implementation of the management plan and the Council would be able to take enforcement action should they fail to do so.
- 6.13** Taking into consideration all of the above, and having regard to the comments received, it is considered by officers that the submitted management plan would be compliant with the requirements of the original condition 4 and that additional details relating to CCTV and access controls can be controlled by planning condition. Officers have therefore recommended an updated condition 4 and new condition 5 to secure these additional details and to ensure that the submitted management plan for the property would be adhered to.

Whether condition 6, which restricts the HMO use to a period of 3 years, is necessary

- 6.14** Condition 6 effectively makes the original permission temporary for 3 years from the date the permitted HMO use begins. This was imposed by the Committee to effectively allow a trial period, after which the impacts of the use on the local community could be re-assessed through any later planning application seeking permanent continuation of the HMO use. The applicant is seeking removal of this condition as they are unable to secure Homes England funding necessary to make the project viable and to secure rents at an affordable level. The applicant has provided a copy of correspondence with Homes England confirming funding could not be provided with this condition in place as there is a risk that the use would be very short lived.
- 6.15** Whilst the funding of the development may not be a material planning consideration, to impose an unnecessary planning condition would not meet the six tests for imposing planning conditions set out in the NPPF and in this case, the applicant has evidenced that the condition imposed would compromise the delivery of the accommodation for which permission was granted and therefore the associated benefits with provision of this specialist housing to meet local housing needs would not be realised. Therefore, to impose such a condition could be seen as self-defeating.
- 6.16** It is appreciated that the existing condition does provide an additional safeguard for the local community should the use result in demonstrable harm to the local area and/or neighbouring properties, and that should that occur, the condition provides a finite period within which the use would have to cease. The Planning Practice Guidance also indicates that it may be reasonable to impose such a

condition where a trial run may be required to assess impacts of development. However, in this case, given the proposed Management Plan and other planning conditions would ensure measures would be put in place to ensure appropriate placement and support of residents, adequate security measures would be put in place, and that any concerns/complaints would be dealt with, and that condition 6, which limits the maximum number of residents within the property to 12 would remain, it is considered that the other planning conditions would be sufficient without condition 6 of the original permission to address and mitigate concerns raised regarding the effect of the proposed use on the area and local residents' quality of life, safety and security. As discussed above, condition 5 includes a provision that failure to implement the management plan would require the use to cease. Therefore, this condition also includes a finite provision should the agreed plan not be implemented.

- 6.17** As well as the other planning conditions, the use would also be subject to other regulation, due to the fact that the accommodation would be provided under contract with the Council, that the applicant is a registered provider of social housing, and that the Council can take action under Environmental Protection legislation should a statutory nuisance arise. Furthermore, should in the future a non-registered provider take on the accommodation, this would not only be likely to require a further planning application to amend the agreed management plan, but also the requirement for a HMO license to be obtained from the Council. Given this other regulation, it is considered that irrespective of condition 6, action could be taken by the Council and other bodies to regulate the use, which may include withdrawal of contracts/funding and/or any necessary license that may be required for the use, as well as potentially service of an abatement notice to address any nuisance that may be being caused.
- 6.18** Neither the Council's Environmental Health Officer nor Hampshire Constabulary's Designing Out Crime Officer have objected to the removal of condition 6, neither did these officers request it be imposed. Furthermore, the Designing Out Crime Officer has commented that this condition makes the future of the facility uncertain (an issue for Homes England in terms of making grant funding available to the applicant), may cause disruption for residents, and may compromise the ability of the applicant to support the Council in its delivery of its homelessness strategy.
- 6.19** Given the above, and having regard to the concerns and comments received, officers consider that condition 6 is not necessary, as measures set out in the other planning conditions set out below would ensure measures would be put in place to avoid and minimise impacts on the local community, and that these measures would be complemented by other controls beyond the scope of the planning permission. It is therefore recommended that condition 6 is removed.

#### Other Matters

- 6.20** A number of other concerns have been repeated regarding the appropriateness of the location for the proposed HMO use, concerns with access, and loss of the existing guest house use. However, these issues were considered by the Committee in June when deciding whether or not to grant the original permission.

Therefore, these matters would not be a reason to withhold permission for changes to the conditions now being sought, as the original permission has already accepted use of this property as an HMO and consequently the loss of the existing guest house use.

**6.21** Although the site is located within the SPA buffer zone, the proposal would not result in a net increase in residential accommodation. Therefore, there would be no adverse impacts on the Solent SPA in terms of increased recreational disturbance or any additional nutrient burdens in the Solent Catchment and as such mitigation is not required in respect of these matters in this case.

**6.22** Concerns have been raised regarding lack of community engagement/consultation by the applicant prior to submission of the original and current planning applications. The local planning authority supports and encourages the earliest possible engagement between an applicant and the local community however it cannot require it. Whether or not the applicant has engaged with the community is not a material planning consideration. In terms of the Council's requirements to publicise this application, it published a notice in the County Press and displayed a notice near to the site and published the application on its website. Therefore, the Council has met its statutory duty to publicise the application.

## **7 Conclusion**

**7.1** For the above reasons, it is considered that the submitted Management Plan (as revised), coupled with securing details of CCTV and access controls by planning condition, would ensure that the requirements of the original condition 4 would be met, and that condition 6 originally imposed would not be necessary on the basis that the other planning conditions set out below, as well as other regulatory controls available to the Council (i.e. under its Housing and Environmental Health functions), would ensure that any demonstrable harm to the local area/community would be avoided. It is therefore concluded that, subject to the recommended conditions proposed, the development would comply with the provisions of the development plan (namely policy DM2 of the CS) and the NPPF and section 17 of the Crime and Disorder Act, which places a duty on the Council when exercising its functions to do all it reasonably can to prevent crime and disorder and re-offending in its area.

## **8 Recommendation**

**8.1** Conditional Permission.

## **9 Statement of Proactive Working**

**9.1** In accordance with paragraphs 38 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following

way:

- The IWC offers a pre-application advice service;
- Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible.

In this instance:

- the applicant was advised of any issues and given the opportunity to submit additional/revised information during the application;
- following receipt of additional/revised information, the application was considered to be acceptable and no further discussions were required.

### **Conditions**

1. The development hereby permitted shall be begun on or before 25 June 2024.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered 0002 Revision P2, Proposed Building Layout Plans.

**Reason:** For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

3. Notwithstanding the submitted plans, prior to commencement of the use hereby permitted, cycle parking/storage facilities, as well as waste storage facilities shall be provided within the site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate provision would be made for the cycle parking/storage and waste storage to serve the use hereby permitted in accordance with the aims of policies SP8 (Waste) and DM17 (Sustainable Travel) of the Island Plan Core Strategy and the requirements of the Council's Guidelines for Parking Provision as Part of New Developments and Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Documents.

4. The use hereby permitted shall not begin until the CCTV system, door entry system and access controls have been installed/implemented in accordance with details, including a CCTV Operational Requirement, that have been submitted to and approved in writing by the Local Planning Authority. The CCTV system shall be designed and installed by a person(s) suitably accredited to design and install CCTV systems by one of the regulatory bodies (i.e. NSI or SSAIB). Thereafter, the agreed CCTV/door entry systems and access controls shall be maintained and retained in accordance with the approved details for the duration of the use hereby permitted.

**Reason:** To promote a safe and secure environment and to protect the amenities of the area, neighbouring residents and future residents in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

5. The use hereby permitted shall only be operated in accordance with the submitted Management Plan (as revised), with the exception that the CCTV system, door entry system and access controls shall be implemented and maintained in accordance with the details approved in accordance with condition 4. Should the Management Plan not be implemented or adhered to, the use of the property as an HMO shall cease.

**Reason:** To protect the amenities of the area, those of neighbouring residents, as well as those of future occupiers of the accommodation in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

6. The number of residents within the building shall not at any time exceed 12.

**Reason:** To ensure a high level of amenity would be provided for future occupiers of the accommodation hereby permitted in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.