

# Design & Access Statement

Conversion of Nursery to HMO

64 Essex Road

London

E12 6RE

October 2023

For:

A&K Enterprise (UK) Limited

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Ilford

Essex

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## Contents

1.0	Introduction
2.0	Local Character
3.0	Planning History of the Site
4.0	Events Leading to Change of Use to HMO
5.0	Project Brief
6.0	Design Concept & Appraisal
7.0	Proposed Scheme
7.1	GIFA
7.2	Scheme Mix
7.3	Layout
7.4	Appearance
7.5	Amenity Space
7.6	Refuse
7.7	Landscaping
7.8	Access
8.0	Compliance with Regulations/Planning guidelines
8.1	PD Rights and HMOs
9.0	Access Statement
10.0	Carpark & Bicycle Store
10.1	Car Parking
10.2	Bicycle Store
11.0	Refuse Store
12.0	Sustainability Statement
13.0	Executive Summary
14.0	Addendum A: Back Up Documents

## 1.0 Introduction

This Design, Access & Sustainability Statement is to supplement a planning application for the development of above premises at 64 Essex Road, E12 6RE. The application site is in London Borough of Newham, close to High Street North, a North South main transport link in the borough.

The property consists of two storeys above ground and a basement, built in the Victorian era. Originally it was an end of terrace shop (Planning class A1) with front and rear gardens, which was converted to a day nursery (Planning Use Class D, now classified Class E), over ten years ago. It flanks onto Ruskin Avenue, overlooking Essex Primary School complex. The main aspect is to the front, rear and the side; although some of the first-floor windows to the rear were blocked when converted to the day nursery.

The Gross Internal Floor Area (GIFA) of the building is:

Basement.	33sqm
Ground Floor	106sqm
First Floor	60sqm
<b>Total</b>	<b>199sqm</b>

The day nursery was operated by Little Rainbow Nursery, for about ten years. It was vacated in November 2022, due to the lack of demand. About six months prior to vacating it, Little Rainbow Nursery appointed estate agents to find an alternative nursery operator, but to no avail. Therefore, it had to be closed.



Ordnance Plan showing the site and the area around.

## 2.0 Local Character

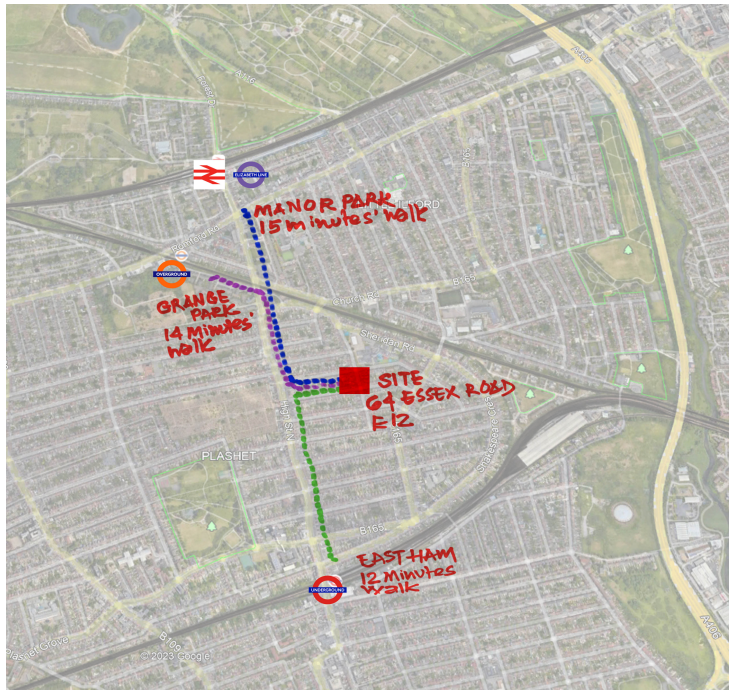
Generally, the area where the site is located, is residential, and most of the dwellings are single family homes. But there are also flatted schemes in the close vicinity of the site, including 63 Essex Road, the house opposite the site providing 3 flats, and 91-101 Ruskin Avenue, a larger block of flats. There is Essex Primary School in the north of the property, as mentioned above.

There are other day nurseries in the close vicinity of the site; including Essex School Nursery, being the primary facility opposite the site, and on Browning Road, in a local church, serving the local community.

The site is in the area of excellent infrastructure; within walking distance is a primary school, a secondary school, doctors' surgeries, a park, a library, and numerous places of worship. Shops on High Street North are also easily accessible. In addition to this, the site is exceptionally well served by public transport; East Ham Station, Manor Park Station, and Woodgrange Station are within 10-15 minutes' walk and bus routes run along both, Browning Road, and High Street North are within 5 minutes' walk.

There are numerous other day nurseries within ten minutes' walk of the site, the main ones being Essex School Nursery, and Kool Kidze (St Bernabus Preschool).

As a result of the site's proximity to these services and amenities, there is justification in the use of this site for more intensive shared housing in the form of an HMO.



View of 64 Essex Road from Essex Road.

### 3.0 Planning History of the Site

The original building was built in the Victorian Era, around 1890's, and built as an end of terraced property. In the recent times, over the past 40 years or so, it was as shop (Planning Use Class A1), converted to a day nursery in 2011, for about 40 children and fell in planning use class D1, now use class E. At the time, there were already day nurseries in the area, the main ones being at the Essex Primary School and Kool Kidze Nursery in a Church on Browning Road. The Essex Road day nursery facility supplemented the other nursery facilities in the area.

Over a year ago, when the demand for the day nursery facilities dropped, it was not financially viable to keep it running. The nursery company, Little Rainbow Nursery, which had leased the facilities, tried to market it to find an alternative nursery operator, but to no avail, and eventually, closed the facility. The landlord of the building tried to market it as a day nursery, but despite, some initial interest and negotiations, failed to find an alternative operator. In total, the nursery facility was marketed for 12 months to find an alternative nursery operator.

Under these circumstances, other alternative uses were considered which fitted the same planning category, eg. offices, but there were no leasing companies interested. It was not financially viable use the premises for a single-family dwelling, which the premises have never been in the recent times, as it was very large 203sqm. The idea of an HMO for 6-bedroom facility was explored. This fell into the planning use class 'Sui Generis', therefore required a planning permission for change of use.

The feasibility study for the HMO use demonstrated that the premises could be used effectively without significantly changing the outlook or making a negative impact on the neighbourhood.

The provision of infrastructure in the area justifies the use of the premises for an HMO and broadly accords with the Planning Guidelines, as explained under clause 7, below.

### 4.0 Events Leading to Change of Use Proposal to HMO

64 Essex Road E12 is a freehold building, and it is owned by A & K Enterprise (|UK) Ltd.

Planning Permission to use the premises as a day nursery (use class D1, now E) was obtained in 2011, LPA Ref. 11/00789/FUL & LPA Ref. 11/01914/AO11. Premises were leased to a day nursery company called Little Rainbow Nursery, for 12 years' lease, commencing on 18<sup>th</sup> December, 2013.

Whilst the two years lease was still outstanding, Little Rainbow Nursery requested a permission from the landlord A & K Enterprise (|UK) Ltd., to assign the remaining lease to another nursery company. It was granted. On 9<sup>th</sup> June, 2022. Little Rainbow Nursery appointed Oakville Real Estate, to market it as a day nursery and find someone to assign the remaining two years lease to. They prepared a brochure, attached, and commenced marketing. But they could not find an interested company to lease it.

In September 2022, Little Rainbow Nursery stopped paying the rent for the premises. As a result, the eviction procedure was started, and Little Rainbow Nursery were evicted in November 2022. The nursery was closed.

At the end of November 2022, after taking over the building, the landlord A & K Enterprise (|UK) Ltd., appointed AIG Estates to market the property as a Leasehold Nursery with a potential of new lease. But they did not have any success to find a new

leaseholder. Therefore, the landlord appointed second estate agent, Duncan Phillips, on 23rd February 2023 to lease the property as a nursery. This estate only managed to get one viewing. See PDF David Saltman of Duncan Phillips arranging viewing on 21st February 2023, which also proved to be unsuccessful.

Having marketed the property as a nursery for one year or so, without a success, it became evident that there was no market for a day nursery in this location. Therefore, the Landlord A & K Enterprise (UK) Ltd decided to sell the property as a freehold. They appointed two estate agents, who were familiar with the building, as they had previously marketed it as a day nursery. They were Oakville Real Estates and AIG Estates, appointed on 23<sup>rd</sup> May 2023 to sell the property as a freehold. The building was advertised but agents could not find a suitable buyer of freehold.

A & K Enterprise (UK) Ltd. finally found a potential buyer through personal contacts. It was Mr. Richard Afolabi, see the attached solicitors' correspondence. Mr. Afolabi wanted to rent the premises until he could arrange finance to purchase it outright. Unfortunately, at the last minute in September 2023, Mr. Afolabi advised the landlord that he could not raise the finance, thus, the negotiations stopped.

As shown above, A & K Enterprise (UK) Ltd. have tried their best to find another leaseholder for a day nursery, and failing that, they tried to sell the property as a freehold. Unfortunately, both options failed. In total, Little Rainbow Nursery and A & K Enterprise (UK) Ltd. have engaged real estate agents for over fifteen months to find a leaseholder for Nursery or an outright purchaser of freehold, without success.

It is clear from the above that in the current tough financial climate where the finance is difficult to secure, and demand for

day nursery has dropped, a new use had to be considered. Due to the accumulation of costs of leaving the property empty for a year and the risk of vandalism, A & K Enterprise (UK) Ltd., have decided to convert the property into HMO, subject to planning permission. This will be for a six bedroom complex, under planning class 'Sui Generis'.

## 5.0 Project Brief

Conversion of the former nursery building (Use Class E), to HMO, Use Class 'Sui Generis'. It would comprise of 6 bedrooms with ensuite bathrooms/showers and communal dining/kitchen/Leisure facility and communal garden.

## 6.0 Design Concept & Appraisal

The design objective was to use the existing three storey, including basement building, effectively for the proposed use, without changing the outlook or the grain of the building. In absence of a demand for a day nursery, the best option for the use of the building is for some form of residential purpose. It also satisfies the Guidelines set out in the Newham Local Plan p.136, which states 'Deconversion of community and commercial use back to residential is encouraged.'

Considering the size of it, with net gross internal usable floor area on basement, ground, and first floor, of 203 sqm, it is too large for a single-family dwelling. The alternative practical uses are conversion to an HMO or flats. It is more suitable and financially viable for conversion to an HMO.

The proposed HMO requires only minor external alterations, including a new entrance, close to the existing one, which would be bricked up, together with some alterations to the windows to the side elevation on ground floor, and creation of a lightwell in

the side garden. There would not be any more external changes to the building. This is the reason why this proposal is most appropriate for this building.

Most of the internal changes would be non-structural and enable a more efficient use of the space. The fabric of the building may have to be internally thermally lined to meet the current Building Regulation standards. This will make the building more energy efficient, cost effective to run and more sustainable.

The development is envisaged to be a high quality, through the use of durable, yet sustainable materials. It will be designed to be harmonious in its context.

Most of the existing garden is hard landscaped. The proposed will incorporate soft landscape in key locations, making the building more pleasant for the users and the neighbouring residents. The building will also be more eco-friendly. External secure storage space will be erected in the garden for bicycle storage.

## 7.0 Proposed Scheme for HMO use

### 7.1 Gross Internal Floor Area (GIFA)

Basement.	33sqm
Ground Floor	106sqm
First Floor	60sqm
<b>Total</b>	<b>199sqm</b>

### 7.2 Scheme Mix

- 5 double bedrooms with ensuite bathroom/shower room,
- 1 single bedroom with ensuite bathroom/shower room.
- Communal kitchen, dining and living space.
- Leisure/communal room in the Basement.
- Utility and storage space.
- Secure bicycle storage space in the garden

### 7.3 Layout

The HMO will have three double bedrooms with ensuite bathroom s/shower rooms on ground floor, 2 double bedrooms and one single bedroom, with ensembles on the first floor. They will meet the standards set by LB Newham for HMO's. Generally, the existing windows will be retained, only one new one created, therefore there would not be an intensification of overlooking.

### 7.4 Appearance

The general appearance of the existing building will be retained, as the external changes are minimal, including the new entrance and a ramp on the side of the building, close to the existing entrance, and the light well to the basement in the side garden. The existing windows, with the exception of one, will be retained; therefore, the appearance of building will not change significantly.

7.5 Amenity Space  
A communal garden with soft and hard landscape, will be incorporated. There will also be a secure bicycle space in the rear garden.

7.6 Refuse  
The refuse storage will be in a secure and screened area in the side garden.

7.7 Landscaping  
The soft landscape will be incorporated in design to make the garden more pleasant and the building more eco-friendly.

7.8 Access  
Access to the building from the side street will be modified but still retained in the side street. This will minimise disturbance to the neighbours and safeguard their privacy. The internal ground floor is approx. 250-300mm above the street level, therefore, in addition to the steps, a ramp will be created to provide level entrance to the building. This will be well lit and the floor surface will be non-slip.

## 8.0 Compliance with Planning Regulations/ Planning Guidelines

### 8.1 PD Rights and HMOs

The General Permitted Development Order allows for the conversion of dwellinghouses (Class C3) to smaller HMO's of 3-6 people (Class C4) without the need for planning permission. However, Newham currently have an Article 4 direction in place across the whole Borough which removes this permitted development (PD) right.

An HMO containing more than six people would be Sui Generis, which would require planning permission. Therefore, the proposed conversion to allow occupation by more than six people would require full planning permission anyway.

The site was previously a retail unit Use Class A1 on ground floor, which was converted to a day nursery in 2011 (LPA ref. 11/00789/FUL). Subsequently, conditions were discharged in relation to the window, disabled toilet and boundary treatment (LPA ref. 11/01914/AOD).

In terms of policy, the site has no designations in the adopted Local Plan and is not listed, nor is it located within a Conservation Area. The Local Plan was adopted in 2018, and there is currently a Local Plan Review at Regulation 18 stage and not yet adopted.

The adopted Local Plan states under Policy H3 that 'large and small HMOs should be purpose-built or converted from premises other than family-sized dwellings'.



As the site was previously a day nursery, it should comply with this. Prior to that, it was a shop, therefore, the above regulation should also apply to it. Thus, the conversion to HMO should not be an issue.

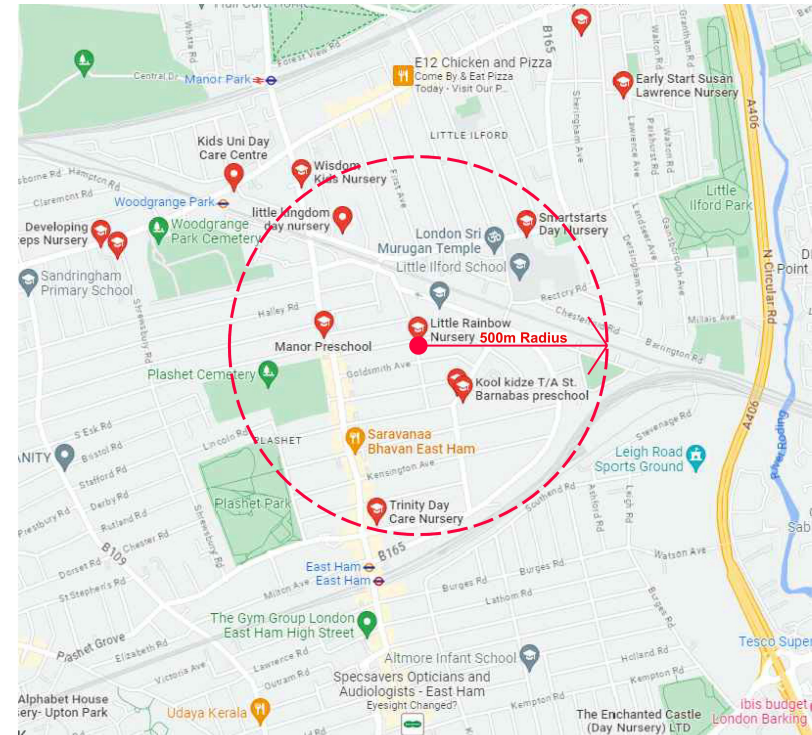
The policy also states that policy-compliant HMO conversions should be directed to Town and Local Centres. The site is not located within a Town or Local Centre, but it is very close to East Ham High Street, therefore, we consider this is an appropriate location for an HMO.

Policy S6 states that restricting HMOs is a focus of the Borough. The supporting text of Policy H3 states that policy seeks to ensure that HMOs do not impede the delivery of conventional housing. The premises in question, have never been a 'conventional dwelling', in recent times, therefore, there is a justification in conversion to an HMO.

These proposals would not convert a current residential dwelling to an HMO, but the site is outside a town or local centre. However, it is close to East Ham High Street business corridor, and we consider this is an appropriate location for an HMO.

The proposal for conversion to an HMO satisfies the Guidelines set out in the Newham Local Plan p.136, which states 'Deconversion of community and commercial use back to residential is encouraged.' It also provided much needed affordable accommodation for single people and couples. Therefore, the HMO use for this building should be supported by the local authority.

## 8.2 The Loss of a Day Nursery.



The former nursery is a community facility, and its loss can be justified. As shown in the map above, there are 5 day nurseries within the radius of 500m from the site. Most of them have spare spaces which indicate surplus of nursery facilities.

Policy INF8 of the adopted Local Plan provides protection for community facilities, including pre-school facilities. This policy requires that the proposed release of these facilities is supported by evidence that the premises has offered to the market for a

range of existing lawful uses for six months. In this case, the nursery was marketed for 12 months and there was no interest from other nursery providers following this marketing exercise.

The reason for the lack of interest could be no demand for the existing use and that there is capacity at more suitable nursery/pre-school facilities in the locality. There are a number of other nursery providers in the area, including at Essex Primary School across the road from the site, as shown in the map. In this climate of financial hardship and more people working from home and looking after their children during the day at the same time.

Our understanding is that there is very little demand for nurseries at the moment because of labour costs and the lack of qualified staff. Also, the Council have produced a Childcare Sufficiency Assessment (2022) and Community Facilities Needs Assessment (2022). The Childcare Sufficiency Assessment shows that pre-school places have increased by 8.5% since 2020 in Newham. It also shows that the East Ham Ward (where the site is located), has the fourth highest number of childcare places for under-fives across all the neighbourhoods in the Borough.

It is our contention that for the above-mentioned reasons, there is not demand for the nursery at 64 Essex Road, and there is no overriding need to retain it.

Our enquiries at the local nurseries, including Essex Primary School Nursery and St Bernabas Preschool Nursery has shown that there were places available in the week commencing 9<sup>th</sup> October 2023. In addition, it provides much better facilities, which are much better for the wellbeing of the children. So a constrained facility at 64 Essex Road is unlikely to be viable.

The conversion of the property to HMO would provide specialist housing in an area with good links to East Ham town centre.

The minor nature of the external changes should not adversely impact on the existing street scene, and the inclusion of outdoor amenity space is also positive. Policy H1 also states all new homes should meet the internal space standards of the London Plan as a minimum. The proposal meets that standard for HMO's

## 9.0 Access Statement

See clause 7.7 above

## 10.0 Carpark & Bicycle Parking

### 10.1 Car Parking:

There is no provision of off-street parking incorporated in the scheme, because the site is well served by public transport; it being 3-5 minutes walk from Broeing Road and North High Street, where there is regular bus service. It is also within = 10 minutes walk from three underground or surface railway stations, East Ham, Manor Park and Grange Park Road, with easy access to various locations across London.

## 10.2 Bicycle Store:

There is a provision of secure lockable bicycle storage of in the rear garden in the form of bicycle shed, shown on the drawings. This could accommodate six bicycles.

## 11.0 Refuse Store

The refuse storage will be in a secure and screened area in the front/side garden.

The space will be provided for the following:

2x240L Wheely bin for general waste.  
2x23L recycling Caddies

There is also space for a multi-cabin bin in the kitchen.

## 12.0 Sustainability Statement

Whilst there do not appear to be specific regulations with regards to sustainability for HMO's conversion of this size, we shall take sensible practical measures in the scheme, including, soft landscaping, and the use of high quality, low maintenance materials. We shall also consider the use of rainwater management by providing water butts.

In terms of land use, the location of the site close to the established community, retail, open space facilities, and public transport nodes, ensures the shared living residential units will be sustainable.

## 13.0 Executive Summary

The above analysis demonstrates that the attempts have been made over a period of 12 months to find an alternative nursery operator, to keep the facility open, but to no avail. Therefore, an alternative use had to be considered. The proposed use for HMO is the most appropriate for this non-residential building. It uses the existing premises, efficiently, avoiding further extension to the building, and requiring minimum alteration. It also satisfies the Guidelines set out in the Newham Local Plan p. 136, which states 'Deconversion of community and commercial use back to residential is encouraged.' It also provided much needed affordable accommodation for single people and couples. Therefore, the HMO use for this building should be supported by the local authority.

## 14.0 Appendix A: Back up documents

Include appointments of estate agents