

Report to: PLANNING COMMITTEE

Date: 15 December 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 2 The Green, St Leonards-on-sea, TN38 0SY

Proposal: Change of use from children's care home (C2) into a HMO of 6 bedrooms, 5 bed-sits and 1 self contained flat plus ancillary storage and office use

Application No: HS/FA/16/00609

Recommendation: Grant Full Planning Permission

Ward: GENSING

File No: GR40002

Applicant: Mr Conlin per Mr Conlin 3 St Helens Park Road Hastings TN34 2ER

Interest: Prospective purchaser

Existing Use: Vacant former Children's carehome (C2)

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 5

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Site and Surrounding Area

The site consists of a large detached two storey property with rooms in the roof. The property is set back from the highway with a large area of parking to the front with an in-and-out driveway. The property appears to have been erected in the early 1900's however it has had several modern unsympathetic additions resulting in a general loss of historic architectural detailing. Access to and from the site is directly on to The Green with a bus stop in close proximity. The surrounding area is made up in the majority of residential properties of various sizes with the two properties either side of the site being flats. Along the front and side boundaries is a dwarf wall which is vastly overgrown and the overall appearance of the premises is somewhat run-down and in need of renovating.

The premises has had a mixed past. Having originally been erected as a single dwelling, it has also been used as an elderly persons' home and more recently as a children's care home. The property is presently vacant following the closure of the children's home.

Constraints:

- 1 in 1000 Surface Water Flooding
- 20m Conservation Area Buffer zone

Proposed development

This application is for the change of use from a children's care home (currently vacant) to a house of multiple occupation comprising 6 bedrooms and 5 bedsits, 1 self contained flat, ancillary storage and associated office use. Within each bedsit, there is a bathroom with shower and small kitchenette and living/bedspace. The HMO bedrooms either have an internal kitchenette or access to a communal kitchen. All of these bedrooms have access to a communal bathroom. The flat on the second floor has a bathroom and kitchen both separate to the living/bed space. Two part-time members of staff are proposed to carry out regular cleaning, maintenance and management duties. These staff will not live on site.

These rooms are spread across three floors as follows;

Ground Floor

- 2 Self contained Bedsits
- 3 Bedrooms
- 7 Admin/Store rooms
- 1 Communal kitchen
- 1 Communal Bathroom
- 1 Communal WC

First Floor

- 3 Bedrooms
- 1 Self contained Bedsit
- 1 Communal Bathroom
- 1 Communal WC

Second Floor

- 2 Self contained bedsits
- 1 Self contained flat with separate living, bathroom and kitchen.

The application also includes the retention of several admin/store rooms and an office on the Ground Floor. The applicant has confirmed that these rooms are to be used as ancillary storage and an office in connection with the management and operation of the premises.

The application is supported by the following documents:

- Site and block plan - 001
- Ground floor proposed - REV
- First floor proposed - 003 REV3
- Second floor proposed - 004
- Parking and storage - 008
- Schedule of rooms - 009

Relevant Planning History

- HS/FA/01/00567
Granted Erection of a single storey extension
09/11/2001

- HS/FA/83/00366
Granted Erection of extension to dining room
06/07/1983

- HS/FA/79/00132
Granted Erection of rear single storey extension to provide four
additional bedrooms and sanitary accommodation.
21/03/1979

- HS/FA/77/00245
Granted Formation of new vehicular access, and extension of drive
for car parking.
01/06/1977

- HS/FA/77/00218
Granted Erection of rear two-storey extension
11/05/1977

- HS/FA/76/00633
Granted Change of use to home for old people.
10/11/1976

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

FA2 - Strategic Policy for Central Area

SC1 - Overall strategy for managing change in a sustainable way

H2 - Housing Mix

H4 - Houses in Multiple Occupation

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications

DM3 - General Amenity

DM4 - General Access

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 50

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Consultations comments

Housing Officer - **No Objection in principle**

Concerns were raised in relation to the minimum size requirements for the rooms. In light of this, the applicant has amended the floor layout to ensure all the rooms meet the minimum 6.5m².

Highways Officer - **No Objection in principle**

"The County Council parking guidance doesn't specifically cover HMO's and as the level of car ownership is highly likely to be lower than for privately owned accommodation the other categories covered are not really appropriate; however, census data can be used to provide a more accurate indication of the parking demand. 2011 census data indicates that 78% of the occupants of 1 bedroom accommodation of this type do not own vehicles. Based on there being a 7 bedroom HMO plus 6 bedsits the parking demand would therefore be 3 spaces. According to the ESCC parking demand calculator 1 additional parking space would also be required for the self-contained flat. The overall parking requirement would therefore be 4 spaces. It is noted that only 3 on-site parking spaces are proposed; however, this shortfall is unlikely to have a significant impact on any existing parking pressures in the area.

With this in mind, it is considered that a recommendation for refusal could be justified in this instance as a severe impact would not be created and therefore the proposal is in accordance with the transport requirements of the NPPF "

Representations

In respect of this application 58 Neighbouring properties were consulted a site notice was displayed and an advert was placed in the local paper. In response to this 4 letters of objection, 2 letters containing neutral comments and 1 letter of support were received. The concerns within the letters of objection are as follows;

- Over-crowding within the premises
- Lack of parking on site
- Adequate fire escape provision
- Potential for anti-social behaviour

These concerns have been discussed in more detail within the report below.

Determining Issues

Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

Existing and Proposed Use

Policy H4 of the Hastings Planning Strategy seeks to manage the number of HMOs within the borough. This is to ensure that a proposal would not result in an unbalanced community in terms of housing tenure or residents. In support of this a calculation is carried out to identify the number of HMOs within a 100 metre radius of an application site. This policy relates specifically to the loss of single family dwellinghouses only and as such is not applicable in this instance. However, for clarity purposes, the number of HMOs within 100m radius of this site has been calculated and is as follows; 2 HMOs and 110 properties, this equates to approx 2%.

As stated above, the proposal also includes the retention of several admin/store rooms located on the Ground Floor. These rooms have been retained for this purpose as presently the applicant is unable to ascertain if these rooms are suitable for conversion to residential accommodation. These rooms are to be used as ancillary storage and an office in connection with the management and operation of the premises. The applicant has been advised that, should it be proposed to use these rooms for additional accommodation in the future, a further application for change of use would be required.

Housing Mix

Policy H2 of the Hastings Planning strategy states that planning permission will be granted for residential development that delivers a balanced mix of housing both within each site, and across Hastings as a whole. The Council will seek to ensure a genuine mix of housing types within existing and future communities by encouraging proposals for housing development in terms of the extent to which they:

- a) contribute to a well integrated mix of housing types and tenures to support a range of household sizes, ages and incomes to meet both current and projected housing needs
- b) address local tenure mix and whether there is a concentration of a particular tenure of housing that would benefit from diversification or greater choice
- c) take account of existing local household characteristics and whether there is a bias towards younger or older households, families or sharers and how the new development will fit into this context
- d) provide a proportion of homes to Lifetime Homes Standard
- e) in suitable and accessible locations, residential schemes of 50 or more dwellings will need to include at least 2% fully adapted dwellings for wheelchair users

The application proposes to provide different levels of accommodation varying from self contained bedsits to bedrooms with communal facilities. This diversity within one property is considered to provide an adequate mix of accommodation and as such is in accordance with the requirements of the above quoted policy. The proposal is therefore considered acceptable.

Living and Environment and Future Residential Amenities

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. These standards state that, in order to provide a satisfactory one bed space, a single bedroom should have a floor area of at least 7.5m² and a double bedroom should have a floor area of at least 11.5m². Having reviewed the proposed plans, it is apparent that all of the rooms are large enough to meet the single occupancy requirement. The Housing Renewal team has also confirmed that the rooms meet the HMO amenity standards adopted by the Council.

Within the premises it is also proposed to provide a communal kitchen on the ground floor and a communal bathroom and WCs on the ground and first floors. There is also a large garden to the rear of the site which will be available for use by the residents.

Taking these factors into account it is considered that the proposal will provide adequate living accommodation for future residents and as such is acceptable.

Impact on Character of the area

As stated above, the surrounding area is made up in the majority of residential dwellings, with a car sales garage in close proximity to the site and a supermarket within 700 metres (as the crow flies). Taking this into account, it is considered that the proposed use as a house of multiple occupation would not have a detrimental impact on the existing character of the area.

As stated above, the premises is presently in a run-down condition and as a result detracts from the street scene along The Green. As part of the change of use it is also proposed to renovate the exterior of the premises. This is considered to be a positive that would contribute to the street scene and the wider character of the area.

Impact on Neighbouring Residential Amenities

The letters of objection raise concerns in relation to the potential for disruption and noise from the site. It is acknowledged that there will be some increase in noise levels arising from the proposed use given that the premises has been vacant for a period of time. However, regard has to be had to the authorised use of the site, as a children's home, and previous permissions for the site, such as the use as a nursing home. It is noted that the level of activity proposed would not be dissimilar to the neighbouring properties in use as flats. In addition and material to this assessment, it should be noted that the previous use of the site as a residential carehome and children's home would have generated vehicle movements from staff, visitors or family. As such the level of activity generated by the current lawful use and previous uses for the site are considered to be comparable to the use now proposed.

The agent has also stated that there will be 2 part-time members of staff visiting the site to carry out cleaning, maintenance and management duties. It is considered that the addition of this staffing provision will aid in ensuring there would not be an unacceptable impact on the amenities of the neighbouring residents.

Highway Safety/Parking

It is noted that concerns have been raised in respect of insufficient parking on the site. The application proposes three parking spaces as shown on the submitted plans. The agent has indicated that the proposed residents are likely to be from low band income and would be more reliant on public transport. This is considered a reasonable argument. As such, the requirement for car parking will be nominal. There is provision for cycle storage on site and a bus stop approximately 10 metres from the front of the site.

As noted above ESCC have calculated the parking demand for the proposed HMO using the parking demand tool and data from the 2011 census. This calculation indicates that the overall parking requirement for this scheme would be 4 spaces. Although only 3 spaces are indicated on the proposed plan it is considered by the Highways Officer that the shortfall is unlikely to have a significant impact on any existing parking pressures in the area and that a recommendation for refusal could not be justified in this instance as a severe impact would not be created.

Taking this in to account it is considered that the parking provision is acceptable and in accordance with both local and national planning policy. There is also adequate provision for sustainable transport and there are public transport options available in close proximity to the site.

Conclusion

Taking the above into account it is considered that the proposed change of use to a house of multiple occupation is acceptable as it meets the aims of both local and national planning policy. The proposal is therefore recommended for approval subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The change of use hereby permitted shall be carried out in accordance with the following approved plans and details: 001, 002-rev 4, 003-rev3, 004, 008 and 009-rev1.
3. Any external facing bathroom or WC windows shall be obscure glazed and remain as such at all times.
4. Prior to occupation, details of the cycle storage and refuse storage shall be provided to and approved by the Local Planning Authority. The storage facilities shall then be provided and retained on site in accordance with these details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To ensure a satisfactory standard of development.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The applicant is advised that rooms A1, A2, A3, A4, A5, A6, A7 and A8 are not authorised for residential use by this permission. Should the applicant wish these rooms to be used for residential purposes a separate planning consent will be required.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/16/00609 including all letters and documents