

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 23 August 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 11 St Andrews Square, Hastings, TN34 1SW

**Proposal:** Change of use from family house to house of multiple occupants (HMO), Retrospective

**Application No:** HS/FA/17/00404

**Recommendation:** Grant Full Planning Permission

**Ward:** CASTLE

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Mr Craddock per Baker Architectural Services 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

**Interest:** Freeholder

**Existing Use:** Vacant property

**Public Consultation**

**Site Notice:** Yes

**Press Advertisement:** No

**Letters of Objection:** 10

**Petitions of Objection Received:** 1

**Letters of Support:** 0

**Petitions of Support Received:** 0

**Neutral comments received** 0

**Application Status:** Not delegated - Petition received

## **1. Site and Surrounding Area**

The site consists of a three-storey, terraced property within Castle Ward. The property is located in the pedestrian portion of St Andrews Square facing towards the Hastings Citadel. The property is characterised by full height bay windows, ornate moulding and dwarf wall along the front boundary. The surrounding area is made up predominantly of residential properties with the exception of the Citadel. The site is close proximity to the Town Centre but is not within the Town Centre boundary.

### Constraints

Flooding Groundwater

Flooding Surface Water 1 in 1000

Flood Zone 2 environment Agency

SSSI Impact Risk Zone

## **2. Proposed development**

This application seeks permission for the use of the premises as a House of Multiple Occupation.

The premises will provide 5 HMO bedrooms, all of which are to be single occupancy, however, it is noted that room 3 is large enough to have double occupancy. There is also a communal kitchen and lounge on the ground floor and bathrooms/shower rooms on each floor.

The application is supported by the following documents:

- Design and Access Statement
- Waste Statement

### **Relevant Planning History**

None

### Make-up of surrounding area:

No. 9 - Permission approved in 1973 for conversion in to self contained flat and maisonette

No. 10 - Certificate of Lawful Development for existing use as House of Multiple Occupation

No. 12 - Permission approved in 1988 for conversion in to self contained flat and maisonette

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy H2 - Housing Mix

Policy H4 - Houses in Multiple occupation

Policy DS1 - New Housing Development

Policy T3 - Sustainable Transport

## Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy HC1 - Conversion of Existing Dwellings

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

## 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.

### **3. Consultations comments**

HMO Licensing Officer - **No objection**

### **4. Representations**

In respect of this application a site notice was displayed at the front of the site. In response to this, 10 letters of objection from 9 different properties were received along with a petition of 42 signatures. The concerns within these letters include:

- Impact on parking
- Dangerous driving
- Saturation of HMO in the area
- Only 10 of the 28 properties are single family dwellings
- Possible homeless shelter
- Enough transient residents
- Is the use necessary?
- Previous problems with residents
- Existing residents have a right to live in a quiet area
- No way to vet potential tenants
- Multiple unrelated people are likely to be noisier than a single family
- Increased noise pollution
- Bin storage
- Rats
- Existing anti-social behaviour
- Demoralizing for existing residents
- Creation of a fragmented incoherent future

- Fear of losing existing tenants
- Poor condition of surrounding area

## 5. Determining Issues

### a) 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.

### b) Impact on Character and Appearance of the Area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources and takes into account protecting and enhancing local character. There are no alterations proposed to the exterior of the property and so it is considered that there would not be an impact on the existing street scene or the wider character of the area.

### c) Loss of existing use

The application site is a large, three-storey property originally having 4-6 bedrooms. The applicant has advised that the property has been used, on-and-off, as a House of Multiple Occupation for the past 9 years. The HMO Licensing Team have advised that the house was first licensed as a bedsit HMO for 8 persons occupying 7 units in January 2008. A new licence-holder subsequently took over and a new licence was issued in September 2009, again for 7 units and 8 persons. This licence was issued to run until 2014. It is understood that the property returned to single family dwelling usage in 2013. It is not known if the property had been operated as an HMO prior to its being licensed in 2008.

The Local Taxation Team have been consulted and have advised that their records indicate that the property has only been registered as a single family dwellinghouse. Although this does not tie in with the information provided by the applicant, it does have a bearing on the consideration of the planning merits of the proposal. However, the applicant will be required to contact the Taxation Team should the application be approved.

Policy HC1 of the Hastings DM Plan supports conversion of a dwelling to HMO use providing the building can no longer be retained in its entirety for single family housing occupancy and it would not significantly change room layouts. In this case there will be no material change to the room layout; however some rooms will change in use from living rooms to bedrooms.

Policy DS1 of Hastings Planning Strategy states that in order to protect the existing stock of family-sized housing, existing homes should remain as dwellings unless they are unsuitable for residential use or would be replaced with new residential development. Whilst it is acknowledged that the property, due to the number of bedrooms could accommodate a large family, it is considered that, due to the lack of external amenity space and the lack of parking, the property would only be suitable for a small number of large families. A recent appeal decision (HS/FA/16/00608) for the conversion of a property of similar size to an HMO was allowed by the Planning Inspectorate. As part of the justification for the decision the Inspector makes specific reference to the lack of external amenity space and how this would 'militate against single family use'. In light of this, it is considered that, the conversion to an HMO for up to 5 persons would make more efficient use of this particular property and would provide an HMO in a highly sustainable location where currently there is relatively low provision of HMOs within a 100m radius. This proposal for HMO use is considered to help contribute towards a balanced mix of housing to support a range of households and to help deliver diversification and greater choice in this locality.

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 application proposes to provide a good level of accommodation and contributes to the overall mix of property types within the surrounding area. Taking this in to account it is considered that the continued use of the site as an HMO meets the requirements of the above quoted policy and is therefore acceptable.

d) Proposed Residential 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. The number of HMOs within 100m radius of this site has been calculated and is as follows 6 HMOs and 270 properties, this equates to approx 2.2%. This figure meets the requirements of Policy H4 of the Planning Strategy as quoted above.

e) Impact on Neighbouring Residential Amenities

It is proposed that the premises will be occupied by 5 persons with communal kitchen and living room. While it is not possible for the Local Planning Authority to impose a condition restricting the number of persons within the unit, as this would be unenforceable, an informative can be placed on the decision advising that the premises should be managed in a responsible manner at all times. The property will also be subject to licensing and inspections from the Council's HMO Licensing Team, as is standard practice.

It is considered that the continued occupation of the premises as an HMO for 5 persons would not be dissimilar to the occupation of the premises by a large single family. Taking this in to account it is considered that the use of the premises as an HMO would not have an unacceptable impact on the amenities of the neighbouring residents. The proposal is therefore considered to comply with Policy DM3 of the Hastings Development Management Plan.

f) 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 7.5m<sup>2</sup> and a double bedroom should have a floor area of at least 11.5m<sup>2</sup>. Having reviewed the proposed plans, it is apparent that all of the rooms exceed the single room requirement, however, only room 3 is large enough to meet the double occupancy requirement. In light of this it is considered that the rooms are large enough to provide acceptable living accommodation. There are bathrooms/shower rooms on each floor, with a large communal kitchen and living room on the ground floor. There is also access for the residents to the communal courtyard to the rear.

The HMO Licensing Team have been consulted on the proposal and have stated that they are satisfied that, with the implementation of licence conditions, the property will meet the requirements of Statutory Instrument 373, The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and Hastings Borough Council's Housing in Multiple Occupation Amenity Standards.

Taking the above into account, it is considered that the development would provide adequate living accommodation for future residents and so is acceptable.

#### g) Highway Safety/Parking

There is no parking provision as part of this application, however, there is on street parking available, albeit residential permit holders only. While off-street parking is preferred, the site is within easy access of the town centre and good public transport links. As a result of this, the lack of parking is considered acceptable.

#### h) Waste and Refuse

Presently the refuse bins are stored within the courtyard area to the rear of the property. This is proposed to continue and is considered acceptable.

### **8. 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.

### **9. 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 plan and details: BA1728.03 and Waste Statement
3. Within three months of the date of this permission, details of an area for the storage of cycles shall be provided to and approved by the Local Planning Authority. The storage facility 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 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 the premises should be managed in a responsible manner at all times.

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/17/00404 including all letters and documents