

Report to: PLANNING COMMITTEE
Date of Meeting: 12 September 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: 20 Milward Crescent, Hastings, TN34 3RU

Proposal: Retrospective permission for a change of use from C3 (Dwelling House) to C4 (House in Multiple Occupation)

Application No: HS/FA/18/00625

Recommendation: REFUSE

Ward: CASTLE 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Catlin per Meridian Surveyors 3 Alexandra Parade Park Avenue Hastings, East Sussex. TN34 2PQ

Public Consultation

Site Notice: Yes

Press Advertisement: No

Letters of Objection: 9

Petitions of Objection Received: 0

Letters of Support: 0

Petitions of Support Received: 0

Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection received

Site

The application site comprises a mid-terrace three-storey property located on the south side of Milward Crescent. The property has a good sized rear garden and there is no off-street parking. Permit parking is available along Milward Crescent and the surrounding road network. The surrounding area is predominately residential and the immediate area is characterised by terrace houses of a similar design to the application property.

The property is currently being used as an HMO and has 5 bedrooms and a shared kitchen, lounge and bathroom. The application form states that the property has been used as an HMO since June 2014.

Constraints

- Surface Water Flooding 1 in 1000
- Conservation Area 20m buffer

Proposed development

This application seeks retrospective permission for the change of use from a single family dwellinghouse to a 5 bed House in Multiple Occupation with shared facilities.

No external alterations are proposed.

In Hastings there is an Article 4 Direction that came into effect on 2 July 2012 that removes permitted development rights to convert a single family house to a small HMO. This means planning permission is required for a change of use from a house to a HMO where three to six unrelated people live which would normally constitute a permitted change of use.

The application is supported by the following documents:

- As existing and proposed floor plans

Relevant Planning History

None relevant

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

DS1 – New Housing Development

FA2 - Strategic Policy for Central Area

H2 – Housing Mix

H4 - Houses in Multiple Occupation

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering planning applications

DM1 - Design Principles

DM3 - General Amenity

HC1 - Conversion of existing dwellings

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

Paragraph 11 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. Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Three dimensions of sustainability given in paragraph 8 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 9 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 59 states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 61 states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Consultation comments

Housing Renewal – **No objections**

GIS Technician – 10% HMOs within 100m radius of site not exceeded

Environmental Services – **No comments**

Housing Options - **No objections**

Parking Services - There is currently 1 permit issued to 20 Milward Crescent and there is a limit of 2 permits per property.

Representations

Objections letter have been received from 9 different households raising the following summarised points:

- The property is already an HMO
- Increased parking pressure in Milward Crescent - parking zone G.
- Increased rubbish and noise
- Houses or flats are more suitable for this road
- Over concentration of HMO in this area
- There are two HMOs in Milward Crescent
- A license should not be granted if planning permission is required.

Determining Issues

The main issues are the effect of the loss of a family sized single dwelling house on the provision of housing in the borough, neighbour amenity and parking in Milward Crescent.

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.

Loss of existing use / family house

Policy H4 of the Planning Strategy advises that changes of use from (inter alia) Class C3 (dwelling house) to a Class C4 (House in Multiple Occupation) will not be permitted where more than 10% of the total numbers of properties within a 100m radius of the application property are already in use as either Class C4, or other types of HMO in a sui generis use.

In this instance the number of HMOs in a 100m radius to the site does not exceed 10%, therefore, the proposals would be in accordance with policy H4.

Objective 2 of the Local Planning Strategy is to ensure everyone has the opportunity to live in

a decent home, which they can afford, in a community in which they want to live by (inter alia):

- ensuring an appropriate mix of housing is provided in terms of tenure, price, type, size and location, having regard to the accommodation needs of the town;

Policy DS1 of the Planning Strategy and policy HC1 of the Development Management Plan seek to retain the existing stock of family homes in the borough. Policy DS1 states that existing family homes should remain as such unless they are unsuitable for residential uses or will be replaced by new residential development.

Policy HC1 states that a building can only be changed into another use or multiple dwellings if the building can no longer be retained in its entirety for single family housing occupancy.

The pre-text to policy HC1 states that it is an aim of the Planning Strategy to both increase the supply of new dwellings and at the same time promote an appropriate mix of dwellings types and sizes in the Borough, with an emphasis on increasing the supply of larger and family sized units. HC1 states the conversion of large single dwelling houses into flats can provide a useful source of new dwellings, but at the same time care needs to be taken to ensure that valuable family housing is not lost. Judgements about a house and whether it should be retained as a single dwelling will be made based on the existing number of bedrooms within the dwelling, and amenity factors such as whether the proposed layout of rooms reflects, as far as practicable, the existing room layout.

The conversion of this property from a single family dwelling to an HMO would, therefore, be contrary to policy DS1 and HC1 unless it can be demonstrated, by the applicant, that the building can no longer be retained in its entirety for single family housing occupancy.

No information has been submitted by the applicant to demonstrate that the property would no longer be suitable as a single family house. Given the size, internal layout, location and access to a private garden I have no reason to believe that the property would no longer be suitable as a single family dwelling.

Although the house is currently occupied as an HMO no marketing evidence has been provided to demonstrate that the property could not be sold or rented as a single family house.

In the absence of any evidence to the contrary, I consider that the property could make a suitable family home. Overall the proposal would be contrary to policy DS1 and HC1 as it would result in the loss of a larger family sized house and insufficient justification has been submitted to demonstrate the existing property cannot be retained as a family house.

Impact on Neighbouring Residential Amenities

The application form indicates that the conversion from a single family dwelling to an HMO occurred in June 2014. There have been no known noise / disturbance complaints associated with the HMO and there have been no external alterations to the property. In addition, the HMO would not give rise to a significant increase in noise / disturbance compared to the use as a single family dwelling house as the size of the property has not increased as a result of this application.

As such it is considered that the HMO does not result in any unacceptable residential amenity objections to warrant reason for refusal.

Highways

The previous family house did not benefit from any dedicated off-street parking and none is provided for the HMO. Controlled on-street permit parking is available in Milward Crescent

and the surrounding road network. The majority of the neighbour objections relate to the lack of available parking and the additional parking pressures that would result from a House in Multiple Occupation. A small HMO such as this and a family house are considered to have a broadly similar parking demand and vehicle trip generation which would be restricted by the size of the unit, (i.e. two parents with three children over the age of 17 compared to 5 adults sharing the HMO), therefore, a refusal on increased parking pressures in Milward Crescent could not be sustained. Parking Services have also confirmed that there is currently 1 permit issued to 20 Milward Crescent and there is a limit of 2 permits per property. The change of use to an HMO is not considered to unacceptably increase parking pressures in the Milward Crescent as a result.

In addition, the site is situated in a sustainable location with good pedestrian access to the public transport and local facilities, therefore, residents of the HMO would not be wholly reliant on private cars to access everyday services and facilities. The HMO would not result in a significant increase in traffic generation compared to a single family dwelling and, in the absence of dedicated off-street parking there are not considered to be any objections in terms of highways safety or parking provision. Given the sustainable location of the site, historic absence of off-street parking at the property, the size of the unit and controlled on-street parking, on balance, a car free development in this location is considered acceptable and would not result in unacceptable highway safety or parking impacts to warrant refusal of the scheme. In coming to this conclusion I have had regard to the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Constraints

The application does not impact the existing drainage conditions and no further drainage investigations or SUDs are required.

There are no external alterations to the property that would affect the setting of the nearby conservation area.

Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

The proposed development is located approximately 38 km from the Ashdown Forest Special Area of Conservation (SAC), 37.5 km from the Lewes Downs SAC and 11.5 km from the Pevensey Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs.

In this instance the change of use would not result in a significant increase in traffic and there is no off-street parking provision / changes at the property, therefore, it is considered that the change of use would not significantly increase the traffic movements at the site.

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* – aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and the emerging Area Action Plan and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

Conclusion

In the absence of any evidence to the contrary, it is considered that the property could make a suitable family home. This application fails to satisfy policy DS1 of the Hastings Planning Strategy 2014 and policy HC1 of the Development Management Plan 2015. The application constitutes the loss of a single family dwelling which could have been retained. There is an identified housing need within the borough for large single family dwellings and the conversion of this property to an HMO therefore cannot be justified. On this basis it is recommended that this application is refused.

These proposals do not therefore 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.

Refuse for the following reason:

1. This application fails to satisfy policy DS1 of the Hastings Planning Strategy 2014 and policy HC1 of the Development Management Plan 2015. The application constitutes the loss of a single family dwelling which could have been retained. There is an identified housing need within the borough for large single family dwellings and the conversion of this property to a House of Multiple Occupation (HMO) therefore cannot be justified.

Note to the Applicant

1. 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 paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Mr A Jolly, Telephone 01424 783250

Background Papers

Application No: HS/FA/18/00625 including all letters and documents