

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 06 March 2019

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

**Application Address:** 5 The Green, St Leonards-on-sea, TN38 0SY

**Proposal:** Change of use from Care Home (C2) to a large HMO (Sui Generis)

**Application No:** HS/FA/18/00958

**Recommendation:** Grant Full Planning Permission

Ward: GENSING 2018  
Conservation Area: No  
Listed Building: No

Applicant: Miss Tyas 3 Rectory Park Pett TN35 4EU

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	6
Petitions of Objection Received:	0
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	1

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

## 1. Site and surrounding area

The site comprises a substantial detached, 3 storey traditional property. The building has an ornate 'Tudor' style front gable and ornate original red brickwork detail. The building retains original wooden sash windows and original grey slate roof. The building is set in large grounds (currently quite unkempt) with existing hard-standing to the front curtilage for parking and there is a large grassed rear garden. The building has previously been extended to the side by a small single-storey, flat roof utility / store room.

Neighbouring properties along The Green are detached traditional properties of similar large scale, built around the Victorian period and set in spacious grounds with mature trees.

The planning history shows that the application property has been in use as a Care Home for the elderly (C2 use) (Edendale Care Home). For a period of time it was amalgamated with the neighbouring property No. 6 The Green for Care Home use (the planning history indicates for a period between 2002 to 2015). However, planning permission was approved in 2015 for change of use of No.6 from C2 Care Home to a single family dwelling C3 use and this current application is for No.5 only.

### Constraints

Within 600m playground buffer  
SSSI Impact Risk Zone (not within thresholds)

## **2. Proposed development**

The proposal is for change of use from Care Home (C2) to a larger House in Multiple Occupation (HMO) (Sui Generis).

Internal layout proposed is:

- Ground floor - Porch and hallway, living/dining room, sitting room, kitchen, WC/ Wet room, utility room with store room and two bedrooms
- First floor - 4 x double size bedrooms, 1 x single size bedroom, galley-kitchen and WC/ Wet room, separate WC.
- Second floor - 4 x bedrooms, bathroom.

The number of occupants proposed is no more than 15.

Waste bins are shown to be stored externally alongside the ground floor utility / store

A bike stand would be situated by the south-side boundary.

9 parking spaces are proposed in the front grounds (two of which would be disabled parking spaces and 1 parking space would be fitted with 2 vehicle charging points).

The application is supported by the following documents:

Design and Access Statement

### **Relevant planning history**

HS/FA/18/00095 5 The Green, St Leonards-on-sea, TN38 0SY- Change of use from C2 care home use to C3 residential dwelling. ZZZ

HS/FA/15/00933 6 The Green, St Leonards-on-sea, TN38 0SY - Change of use from Residential care home (C2) to a single family dwelling house, (C3).  
Granted 22.12.2015

HS/CD/11/00551 Edendale, 5 & 6 The Green, St Leonards-on-sea, TN38 0SY -  
Discharge of conditions 2, 3, 8 and 10 of Planning Permissions  
HS/FA/09/00623. Granted 19.09.11

HS/FA/09/00623 Edendale, 5 & 6 The Green, St Leonards-on-sea, TN38 0SY, Three  
storey residential care home extension to link properties and a  
conservatory. Granted 23.12.2009

HS/FA/02/00497 5 and 6 The Green, St Leonards-on-Sea, East Sussex. Erection of 3  
storey extension and conservatory. Granted 12.09.2002

HS/FA/79/00627 Alterations to convert dwelling into Old Peoples' Home (approved under reference No. 79/494). Granted 27.09.79

HS/FA/79/00494 Change of use to Old Peoples Home. Granted 22.08.79

OTHER

HS/FA/15/00933 6 The Green, St Leonards-on-sea, TN38 0SY - Change of use from Residential care home (C2) to a single family dwelling house, (C3).  
Granted 22.12.2015

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Policy H2: Housing Mix

Policy H4: Houses in Multiple Occupation

Policy T3 - Sustainable Transport

### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

### Other policies/guidance

ESCC -Guidance for Parking at Non-Residential Development

ESCC - Guidance for Parking at New Residential Development

Government Manual for Streets

### 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 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping

- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;

Create safe places with a high standard of amenity for future and existing users

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c). enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

### 3. Consultation comment

Housing Officer - **No objection/ Support**

The Housing Officer supports this proposal on the basis that we require a range of different housing types to meet local housing need.

Housing Renewal - **No objection**

Have no objections to this change of use from Care Home (C2) to a larger House in Multiple Occupation (Sui Generis). They are satisfied that with the implementation of licence conditions this 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 Councils Housing in Multiple Occupation Amenity Standards.

### 4. Representations

7 representations have been received from 5 different properties:

- 6 x letters of objection have been received from 4 different addresses raising the following concerns:
- Over concentration of one type of housing , high number of HMOs already in the locality

impacting on and degrading residential area

- Negative impact on the area of a primarily transient population
- Proposal runs contrary to policy FA2
- Proposal will not help to address local imbalance in housing-mix.
- Loss of potential for conversion to larger dwellinghouse
- Potentially the applied for number of bedrooms within the HMO and a manager will represent a significant increase in population and vehicle density.
- Disruption to neighbours from additional parking
- The developer is hardly going to restore the facade of the building to it's original state, wooden sash windows, ornate mouldings

1 x letter of general comment has been received commenting as follows:

- The Council should be mindful of clustering of HMOs around The Green.
- No object to the principle of this planning application subject to steps being taken to preserve the front elevation of the building, and to provide high quality living conditions for future occupants of the building.
- Recommends removal of permitted development rights to help preserve the appearance of the building. Planning conditions to limit the occupancy levels to ensure quality of occupant amenity.
- Recommends same approach as taken for the HMO approved decision at 67 Sedlescombe Road South.

## **5. Determining issues**

The main planning issues in determining this proposal are the principle of development, impact on the character of the area, parking, impact on neighbouring residential amenity, quality of accommodation proposed, social well-being objectives and need for housing, housing-mix, storage and cycle provision. These issues are addressed below.

### **a) Principle**

The site is in a sustainable residential 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 area**

The proposal is for change of use with internal alterations to room layout only and so with the possible exception of parking layout arrangements, cycle storage and waste storage there is considered to be no material change to the external appearance of the building caused by this proposal. The property does not lie within a Conservation Area and is not a listed building and the proposal will have no harmful impact on the appearance of the area. The representations received include the suggestion that the permitted developments rights for dwellings be removed in order to protect the existing external appearance of the building, but this building is not within a Conservation Area but there is considered to be no justification for removing these rights. A condition would however, be attached to prevent any sub-division of rooms (alteration to approved room layout see paragraph c). below) and this is considered to reduce the likelihood of external alterations to window openings and external appearance in

future (condition 4).

Policy H2- Housing Mix supports housing development that delivers a balanced mix of housing that contributes to a well-integrated mix of housing types and tenures to support a range of households and projected housing need. Central St. Leonards is identified as an area of the town that has a concentration of poor quality private rented sector accommodation which has encouraged a transient population and there have been a number of objections received raising issue with the concentration of HMOs in this location and the negative impact this is having on the character of the area.

Policy H4 - specifically addresses conversion from dwelling houses (C3 use) to HMOs to protect the existing dwelling house stock. However, in this case the proposal is for change of use from an existing care home (C2 use) and so there will be no loss of an existing dwellinghouse. Given the number of objections received that raise concern at the perceived concentration of HMO uses in the local area a check has been made and the percentage of existing HMOs within a 100m radius of the application property returns a result of 2 HMOs and 97 properties (this equates to approximately only 2%).

The number of HMOs is based on a list of HMOs provided by the Housing Department in June 2018, Council Tax in May 2018 and Local Land Property Gazetteer LLPG HMO classifications on 11.12.2018. This information is then grouped together and where the same property is identified as being an HMO on more than one list it is only counted once.

The total number of properties listed is a count of all residential properties from the LLPG within the 100m (excluding those classified as HMOs on the LLPG). While the objections received draw attention to properties No.2 The Green, 67 Sedlescombe Road South and No.7 The Green as properties already in HMO use in this area, No.7 is identified as a children's home and so is not an HMO as defined under the Housing Act.

Given the above findings the proposed change of use is not considered to give rise to an over-concentration of HMOs that would impact harmfully on the character this area. Some larger properties in the area have been converted to flats, but overall there is considered to be a mix of housing types in the local area that means this proposed change of use would not be detrimental to the housing stock.

The former use was as a care home and this proposal for change of use to residential HMO use is considered to have a lesser impact on local residential character and amenity than the former Care Home use.

#### c) Layout / Future residential amenities

Policy FA2 seeks to improve the quality and mix of housing in Central Area. The Care Home has been in a run-down state and the proposed change of use is considered to provide HMO accommodation of a good space standard that can provide needed accommodation of good quality. The NPPF provides guidance on social objectives to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The Housing Renewal Team have been consulted and have no objections and are satisfied that with the implementation of licence conditions this property will meet the licensing standards for Multiple Occupation Amenity.

The proposed internal layout includes a bathroom, 2 x WC/Wet rooms and a separate WC. There is a large kitchen on the ground floor and an additional 'galley' kitchen at first floor level. On the ground floor there are shared communal facilities (Dining/living-room, sitting-room and a utility room with storeroom). These facilities would be shared by the occupants of the proposed 11 bedrooms, 9 of which are large enough to be counted as of double or twin room size and 2 x single size under the national minimum room standards. The property is of generous proportions and room sizes and is considered to be an appropriate property in a sustainable location for the HMO use proposed. The number of occupants proposed is 15 and the size of the property and the associated level of parking is considered to allow 15 residents to live comfortably and conveniently in compliance with Policy DM3.

The Housing Officer supports this proposal on the basis that Hastings Borough require a range of different housing types to meet local housing need. It is considered that there is a good social objective need for this type of accommodation in Hastings and that this property can provide good quality accommodation. There is parking provision proposed to the front of the building and there is an existing large grassed rear garden to provide outdoor amenity area.

d) Loss of existing use

There is no policy concern at the loss of this privately run former Care Home (C2 use).

e) Impact on neighbouring residential amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. In this case the proposed change of use to HMO residential use is considered to have a reduced impact on neighbouring residential amenity than the former Care Home as there is anticipated to be less visitors and professional carers coming and going from the property.

f) Ecology / Trees

There is no impact on ecology or trees

g) Waste Storage

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The submitted parking layout plan shows waste bins to be stored to the side of the existing utility/storeroom extension. This area is situated well back (some 22m from the pedestrian pavement) and would be easily accessible by occupants of the HMO. The proposed waste storage location is considered to be acceptable.

h) Highway safety/parking

Policy DM4 of Hastings Development Management Plan requires new development to comply with ESCC Highways Authority parking standards. There are 11 bedrooms proposed and the submitted plans show a total of 9 parking spaces (7 parking spaces (measuring 5m x 2.5m) plus 2 disabled parking spaces (Measuring 3.6m x 5m)). There are 2 charging points proposed for electric vehicles and a bike stand is proposed in addition to the vehicle parking to provide for other modes of transport. A condition would be attached for submission of details of the bike stand proposed to ensure that it provides secure storage for an appropriate number of cycle spaces (condition 5).

The property is situated in a sustainable location well served by local transport and within

walking distance of the Asda Superstore at the crossroads with London Road, Sedlescombe Road South, Battle Road and Sedlescombe Road north.

The number of parking spaces (11 in total) is considered to be reasonable, as it is anticipated that not all residents would necessarily be car users. There would be no change to highway safety as the existing vehicle entrance for the care home would be used and this would be acceptable. The installation of two charging points is supported as they will make the HMO more sustainable by facilitating the use of electric cars to help reduce carbon emissions in compliance with policy for managing change in a sustainable way. There are considered to be no highway safety issues.

## **6. Conclusion**

For the reasons set out above the proposal is considered to be acceptable. The proposal entails no loss of an existing dwellinghouse and the proposed HMO would add needed accommodation of reasonable standard to help meet identified housing need across the Borough and would make good residential use of this former Care Home property in an existing primarily residential area. There are no highway safety issues and there is space for adequate off-street parking to the front of the property and a good size rear garden for external amenity for residents. The site has plenty of space for suitable waste storage and collection and I recommend this application for approval.

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.

## **7. 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 development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Original floorplan (submitted 18.11.18); Proposed floorplan (submitted 08.02.19), Parking Plan (submitted 08.02.19).
3. Waste bins and recycling shall at all times (other than early on collection days) be neatly stored in the waste bin area shown on the

approved parking layout plan.

4. The use of the property shall at all times operate in accordance with the layout as shown on approved drawing "Proposed - 5 The Green" version submitted 08.02.2019, with no alteration to the number of bedrooms or shared rooms and areas unless first otherwise agreed in writing with the Local Planning Authority.
5. Before the House in Multiple Occupation hereby approved is first occupied details of appropriate on-site provision of secure, covered cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved secure, covered cycle storage facilities shall be constructed in accordance with the approved details before the House in Multiple Occupation hereby approved is first occupied and thereafter retained and kept available to occupants of the House in Multiple Occupation at all times.
6. The building shall at no time be occupied by more than 15 residents.

**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. In the interests of local amenity and to protect the character of the area.
4. In the interests of maintaining an adequate standard of living accommodation for residents and in the interests of protecting neighbouring residential amenity.
5. To ensure provision for alternative sustainable modes of transport.
6. In the interests of local character, the amenity of neighbouring residential occupiers and to ensure that occupants have a good living standard of accommodation.

**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 paragraph 38 of the National

Planning Policy Framework.

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**Officer to Contact**

Ms N Ranson, Telephone 01424 783253

**Background Papers**

Application No: HS/FA/18/00958 including all letters and documents