

**Report to:** PLANNING COMMITTEE

**Date:** 04 February 2015

**Report from:** Development Manager

**Application Address:** 101 Cambridge Road, Hastings, TN34 1EP  
**Proposal:** Proposed Change of Use from Dwelling

**Application No:** HS/FA/14/00941

**Recommendation:** Grant Full Planning Permission

**Ward:** CASTLE

**File No:** CA15101

**Applicant:** Mr Pepper per Elevations Design Ltd Junction  
House 1 Sedlescombe Road South St  
Leonards on Sea, East Sussex. TN38 0TA

**Interest:** Freeholder

**Existing Use:** Single private dwellinghouse

## **Policies**

Hastings Local Plan 2004: H4, DG1, C1, C8

Conservation Area: Yes - White Rock

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1, H2, H4

Hastings Local Plan, Development  
Management Plan, Revised

Proposed Submission Version: HC1, DM1, DM3, HN1, HN2

## **Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 6

Petitions Received: 3

**Application Status:** Not delegated - Referred by Ward Councillor &  
Petitions received.

## **Summary**

As Members will recall, this application was deferred at the last planning committee. The issues remain the same and the planning report has been updated. Since the last meeting three petitions of objection have been received.

The application seeks planning permission for the change of use from dwellinghouse to a house in multiple occupation (HMO).

## The Site and its Location

The application site comprises a large two storey property on the corner of Cambridge Road and adjoining Trinity Villas within the White Rock Conservation Area. The existing plan shows a 7 bedroom property. A path leads along the side of the building from Cambridge Road through to White Rock Road. There is a green space area on the opposite side of the path. The property is larger than the adjoining terraced properties along Cambridge Road and has in effect two frontages. The property, which has been vacant for a long time, has been completely renovated both internally and externally. There is a side garden and a rear patio area.

## Details of the Proposal and Other Background Information

Larger shared properties occupied by 7 or more unrelated people are unclassified by the Use Classes Order and are therefore considered to be "sui-generis".

The proposed plan shows 8 bedrooms split over the ground and first floor level. There is one kitchen on each floor and two bathrooms overall. The proposal does not include any external changes or extensions.

## Previous Site History

|                 |  |
|-----------------|--|
| HS/FA/14//00830 | Proposed change of use from former B & B to supported living provision (Sui Generis) |
| Withdrawn       | 27/10/2014   |
| HS/FA/13/00670  | Change of use to create 3no. self-contained flats                                    |
| Granted         | 14/10/2013   |

## Details of Consultations

Following neighbour consultation, site notice and advertisement in the local paper at the time of writing this report 6 letters of objection and three petitions have been received.

The concerns raised include:

The character of the area, the possible type of resident, vehicular and pedestrian safety, parking and traffic, refuse storage and collection, a possible change of use to supported living, the number of planning applications submitted affecting this property, a fence that has been erected around the property, the impact on public and emergency services, access and rights of way, safety in the shared garden, fire risk and means of escape in the case of fire.

The Team Leader Housing Services confirms that the provision of bathroom, WC and kitchen amenities and dimensions of the proposed rooms comply with the Council's standards for HMOs. There may need to be some minor changes to the layout to meet building regulations in relation to means of escape in the case of fire.

## Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

## Change of use

The property, which has been vacant for many years has a total of seven bedrooms and limited amenity space. The 2013 permission for three flats has already established that this property is no longer suitable for family use by modern standards and that a more intensive use is acceptable. The proposed layout meets the housing standards and constitutes a more efficient use of the property. The current application must be considered on its own merits and the local planning authority cannot consider possible future proposals.

The full wording of policy in the adopted Hastings Planning Strategy is as follows:

### **"POLICY H4: Houses in Multiple Occupation**

In order to support mixed and balanced communities and maintain an appropriate housing mix within the Borough, applications for changes of use from:

- i) a Class C3 (dwelling house) to a Class C4 (House in Multiple Occupation), or;
- ii) a Class C3 (dwelling house) to a House in Multiple Occupation in a sui generis use (more than six people sharing)

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.

This policy will not apply to social housing, care homes, children's homes, bail hostels and properties occupied by students which are managed by an educational establishment.

This policy will not apply to households who have foreign students staying as guests for a set period of time. "

### **Impact on residential amenity and character of the area**

The Council recognises that well managed HMOs can play a useful role in the range of housing available in the town to meet local needs. However, the aim of policy is to avoid undesirable concentrations of HMOs in the town.

The Hastings Planning Strategy states that "*National planning policy guidance provides the context for ensuring that future housing delivery leads to the creation of sustainable, inclusive and mixed communities and to avoid situations where existing neighbourhoods become dominated by a particular housing type, such as shared houses (HMOs). ...*

*There are already high numbers of HMOs in the town and, whilst we recognise that shared housing is important in meeting the needs of certain residents, including those on low incomes and young people starting out on their careers, we also recognise the negative effects that high concentrations of this type of housing may have on local communities.*

*It is likely that the number of HMOs in the town as a whole will increase, driven by increasing student numbers as a result of the new University campus, changes to housing benefit and the increasing need for smaller affordable units of accommodation. If we are to continue to accommodate the need and demand for HMOs, we need to ensure that local communities are mixed and balanced in terms of both housing tenure and the people that live there.*

*The National HMO lobby has identified a 'tipping point' in respect of concentrations of HMOs. This tipping point is described as a threshold beyond which a deviation departs so far from*

*the 'norm' that a community can 'tip' from balance to un-balance. The HMO tipping point, largely based on the impacts of associated demographic change, is considered to occur when HMOs exceed 10% of properties."*

The number of HMOs within 100m radius of this property is 1 HMO and 158 properties (this equates to approximately 0.6%).

The number of HMOs is based on a list of HMOs provided by Housing on 11 November 2014, Council Tax on 17 November 2014 and LLPG HMO classifications on 17 December 2014.

Although the proposed use might be a more intensive use of the property, this in itself is not sufficient to justify a refusal. The property is fronting the busy Cambridge Road and I do not consider that the proposed use of this property at this location would have a materially adverse impact on the amenity of occupants of neighbouring or nearby properties. No external alterations or extensions are proposed.

It is also worth noting that the property has a current valid planning permission for the use as three flats comprising 2no. two-bedroom and 1no. one-bedroom units. This means that the property could be occupied by a similar number of people and the level of activity would be comparable.

### **Provision for refuse storage and cycle parking**

An amended plan showing bin and cycle storage has been requested. There is sufficient space to provide this and a condition has been added that the property shall not be occupied until bin and cycle storage has been provided.

### **Fence**

A fence has been erected around the property which exceeds 1m in height adjacent to a highway used by vehicular traffic. At the time of writing this report the applicant has agreed to reduce the height to 1m adjacent to the highway. The fence does not form part of this application.

### **Other Matters**

There is a presumption in favour of sustainable development and the proposed use is in a sustainable central location. It is not considered that the impact of the development on the area would be such that a refusal or permission could be justified, particularly having regard to adopted policy H4. Some of the concerns raised by local residents, such as management of the shared garden, are not a planning matter, and matters of fire risk and means of escape are a matter for the building regulations. Some objections request that there should be further consultations and that other uses for the building should be investigated, however, planning law requires each application to be considered on its own merits.

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

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 development hereby permitted shall be carried out in accordance with the following approved plans:  
  
14/601/1; 14/601/A, 02A; plan showing cycle store and bin store
3. The use hereby approved shall not commence until readily accessible external storage space for refuse bins awaiting collection have been provided to the satisfaction of the Local Planning Authority.
4. The property shall not be occupied until such time as the cycle parking, as shown on the approved plans, has been provided. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

**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 form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
4. To ensure an adequate level of parking for cycles to serve the 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. Consideration should be given to the provision of a domestic sprinkler system.

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**Officer to Contact**

Mrs E Collins, Telephone 01424 783278

**Background Papers**

Application No: HS/FA/14/00941 including all letters and documents