

Report to: PLANNING COMMITTEE

Date: 01 July 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 101 Cambridge Road, Hastings, TN34 1EP
Proposal: Change of use from dwellinghouse (C3) to HMO (Sui generis) to provide 8 bedrooms for students together with associated facilities.

Application No: HS/FA/15/00430

Recommendation: Grant Full Planning Permission

Ward: CASTLE
File No: CA15101
Applicant: Carousel Properties (SE) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green HAILSHAM, East Sussex. BN27 4QU

Interest: Prospective purchaser
Existing Use: Vacant

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: 7
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The application seeks planning permission for the change of use from dwellinghouse to 8 student bedrooms which would constitute a house in multiple occupation (HMO) in planning terms.

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.

There is some indication that the property might have been used historically as student accommodation before being vacant and at the time up to 6 unrelated individuals could have lived in the property as one household without requiring planning permission. However, there is no evidence that this is its authorised use and I consider the application on its own merit.

Details of the Proposal and Other Background Information

A similar application for the change of use from dwellinghouse (C3) to a house in multiple occupation (Sui Generis) was considered by the planning committee on 7 January 2015 where it was deferred and on 4 February 2015 when it was refused, as it was considered to be contrary to Policy H4 of the Hastings Planning Strategy. The decision notice stated that the Council refused the permit for the development for the following reason:

"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.

According to the current register of HMOs held and updated by Hastings Borough Council within the locale there are the following registered HMOs:

Cambridge Gardens – 10, 13, 14, 16, 17, 19, 20, 21, 24, 28, 29, 30, 31, 32, 34, 36, 37, 39 and 42

Cambridge Road – 33 and 34

Cornwallis Gardens – 3, 5, 18, 19, 20, 26, 27, 28, 38, 39-40, 43 and 44,

White Rock Gardens – 1-2

Cornwallis Terrace – 12 in total

I would also refer to the Planning Inspectorate judgement in respect of 93 Cambridge Road which upheld the Planning Committee's refusal to agree as an HMO

Furthermore I would suggest that 'saturation' has been reached in this area and that the current planning consent for 2 x 2 bedroom flats and 1x1 bedroom flats would benefit the local community and provide much needed family accommodation close to the town centre."

The submitted floor plan is identical to the previously submitted one, with four bedrooms at ground floor level as well as a living room, kitchen, bathroom and separate WC. Another four bedrooms are on the first floor with an additional kitchen, bathroom and WC. This is identical to the existing floor plan apart from the subdivision of the lounge to create an additional bedroom.

The application differs from the one previously considered only in the fact that the accommodation is now intended for students. The applicant has stated that the intention is to lease the bedrooms to students studying at the University of Brighton campus located in Hastings. However, the accommodation will not be managed by the University, and is not a Hall of Residence. As such the use would constitute a House in Multiple Occupation (HMO) outside the use class order (sui generis). It would not be possible to restrict the occupation to students by means of condition.

The applicant has submitted an appeal against the previous refusal; however, this has not yet been validated by the Planning Inspectorate. The agent has stated that if the current planning application is approved, then the appeal will be withdrawn.

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
- HS/FA/14/00941 Proposed change of use from dwelling house (C3) to HMO (sui generis)
Refused 5/02/2015

Details of Consultations

The Housing Services Team Leader states that the provision of bathroom, WC and kitchen amenities and dimensions of the proposed rooms comply with the Council standards for HMOs. A satisfactory means of escape in case of fire must be provided, together with a suitable automatic fire detection and alarm system. The proposed layout on the ground floor should be revised so that the kitchen should be separated from the means of escape by means of a half hour fire-resisting partition and door.

The property will require licensing under the Council's Additional HMO licensing scheme unless it is managed by a prescribed educational establishment.

The Building Control Manager comments that the proposal would be a change of use requiring full compliance with building regulations including means of escape, renovation of thermal elements/fittings (windows to be double-glazed), background ventilation, sound resistance, disabled access and consultation with the Fire Brigade.

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 had 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. Policy H4 of the Hastings Strategy applies.

The application is supported by a letter of the University of Brighton confirming that it is intending to take a lease of the 8 study bedrooms and that the lease is likely to be for a term of 5 years starting in September 2015.

The university states that student numbers at the University of Brighton in Hastings are growing and for the academic year 2015/16, a number of new courses have been introduced, including Sports Journalism which it is anticipated will attract around 60 new students from outside the local area.

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 adopted 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."

While there may be a number of HMOs further away, 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

A cycle store and bin store has been indicated on the submitted plan, although there is no overall block plan of the site explaining how the cycle store would be accessed.

Fence

A fence had been erected around the property which exceeded 1m in height adjacent to a highway used by vehicular traffic. The height of a section of the fence has been reduced and the application includes the reduction in height to 1m of the currently unauthorised fence on the eastern boundary where it abuts Trinity Villas.

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:

mb 880/15/01, 02 14/601/1, 3.
3. The use hereby approved shall not be commenced 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.
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.
 4. Separate planning permission will be required for the installation of upvc windows.
-

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/15/00430 including all letters and documents