

App.No: 140682 (PPP)	Decision Due Date: 21 August 2014	Ward: Devonshire
Officer: Jane Sabin	Site visit date: 28 July 2014	Type: Planning Permission
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: 17 July 2014		
Weekly list Expiry: 25 July 2014		
Press Notice(s): N/A		
Over 8/13 week reason: First available committee following the receipt of 6+ objections.		
Location: Westways Guest House, 10 Rylstone Road, Eastbourne		
Proposal: Change of use from a bed & breakfast (Class C1) to a house in multiple occupation (sui generis).		
Applicant: Mr Maxwell Scott		
Recommendation: Refuse		

Executive Summary

The use of the property as a large House in Multiple Occupation would result in an unacceptable intensification of use of the premises and would be detrimental to the amenities of neighbouring occupiers, and the character of the locality and the adjacent Tourist Accommodation Area.

Planning Status:

Residential area
Flood Zone 3a

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating Sustainable Neighbourhoods

C3: Seaside Neighbourhood Policy

D1: Sustainable Development

D3: Tourism and Culture

D5: Housing

D8: Sustainable Travel

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity
HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO14: Houses in Multiple Occupation
HO20: Residential Amenity
TR2: Travel Demands
TR6: Facilities for Cyclists
TR11: Car Parking
TO1: Tourist Accommodation Area
TO3: Tourist Accommodation Outside the Designated Area

Site Description:

This end of terrace, early 20th century dwelling is located on the corner of Rylstone Road and Halton Road. It has a large basement, and the roof space has been converted to provide bedrooms, so that there is accommodation over four floors. It has traded for many years as a guest house, and has been extended at ground floor level, and also has the benefit of a parking space accessed from Halton Road.

The site lies just outside the Town Centre & Seafront Conservation Area and the Tourist Accommodation Area, although it immediately abuts both in Royal Parade.

Relevant Planning History:

None relevant.

Proposed development:

Permission is sought to change the property into a house in multiple occupation (HMO), comprising 10 rooms (2 singles and 8 doubles), including two kitchens and a lounge/diner on the ground floor. An existing conservatory at the side is to become a kitchen/utility room, which the agents states will only require the replacement of the roof, otherwise there would be no physical changes as a result of the application (except for the removal of the hotel signage). The existing rear terrace is to be used for safe cycle storage for at least six bicycles.

Consultations:

Internal:

The Specialist Advisor (Environmental Health) states that the existing layout would only be licensed for 7 occupants, but that the provision of the additional kitchen could increase this to 14 (10 rooms, including 4 doubles). The means of escape and heating must be upgraded. The layout of the top floor does provide enough room for it to be occupied. The mean of escape is not ideal but it is safe considering that the door is only used by the occupants of the one room who will be familiar with the layout in the event of an emergency. The basement rooms are very dark and lack outlook; if the light well covers are replaced with clear glazing/plastic and provided with adequate ventilation, and the area of glazing in the rear room is increase as much as possible (landlord spoke about replacing the door with a fully glazed alternative) then these rooms would be accepted as habitable as the tenants have access to large shared living areas.

External:

Neighbour Representations:

Seven objections have been received and cover the following points:

- Parking – the potential of 15 additional vehicles from one property is not acceptable; it is already very difficult to park, and common to have to park 2 or 3 streets away, and has gradually become more difficult as more properties have changed into flats and HMO's (especially since the conversion of Cambridge Mansions), which has a negative effect on the surrounding businesses serving tourists which rely on parking.
- The increase in the number of residents in one property, which could result in loss of privacy and an increase in noise; the noise from and use of the house will be out of scale with its footprint and size in relation to the area; the area is already saturated with HMO's and flats, and an increase in transient occupiers, which is already altering the dynamics of the community in a negative way, leading to mildly anti-social behaviour and a lack of cohesion in the community; this contravenes the Localism Act.
- Potential law and order issues, especially as the owner is off site and does not live in the town; possible lack of day to day management control; an absent landlord does not have to put up with the fallout that so often occurs from HMOs.
- HMO's are not conducive to adjacent family homes or tourist accommodation. If the hotel cannot remain as visitor accommodation, then its reversion to a family home would be preferable.
- Rylstone Road is already in a designated "deprived" area; EBC should address this positively rather than increase the likelihood of further low-income residents. Concern that the area will become further deprived rather than spread the issue throughout the town.
- The Planning Statement refers to "quality" private letting, but does not identify any checks or balances that would be put into place to ensure this; given the cramped nature of the proposed accommodation, it is highly unlikely that "quality" tenants would be attracted to the property.
- Insufficient space for refuse bins required by a 10 room HMO, with the consequence of it spilling out of the site (litter, rubbish, blocking of the rear alley) as is the case in Cambridge Road; insufficient capacity in the drainage system.

Appraisal:

Principle of development:

The application property is located in a residential area, and a residential use is clearly the most appropriate alternative use for the building. The main issue is the intensity of the proposed use, and the impact this would have on the character of the area and the amenities of the surrounding residents and tourist uses.

In terms of the suitability of the standard of accommodation, there are three rooms which give rise to some concern. The top floor bedroom has been converted from the roof space, and although the floor area is quite generous, there is little room in which to stand upright; the door to this room opens outwards onto a staircase (no landing), which is far from ideal should there occasion to use it as a means of escape. The two basement bedrooms are again adequate in floor area, but are extremely dark, with small windows completely below pavement level and outlook into lightwells the same size as the windows but no more than 500mm deep, both of which are then covered by opaque plastic sheets; it is assumed that this is to prevent the ingress of rainwater, however the result is rooms that are exceedingly dark with no outlook or ventilation. It is noted that changing the opaque plastic to clear has been suggested, as well as the provision of

ventilation (it is not clear how this is to be achieved), and that fully glazed doors to each room could be installed. A fully glazed door to one's only private space (obscure glazed or not) does not seem appropriate, and it is not clear what daylight could reach either of the doors in any case. It is surprising that rooms even with the modifications identified would be accepted as habitable, since they can only be described as abysmal.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The property is relatively spacious by modern standards, and could potentially accommodate a significant number of people (the drawings show up to 18 bed spaces, although as indicated above, it would only be licensed for a maximum of 14 persons). It is considered that the potential for noise and disturbance from such a large number of people in one property is substantial. Although the premises currently operate as a seven bedroom guesthouse, the impact on residential amenity from this use is much less, as tourists by their nature lead a different lifestyle in terms of the time spent in the bedrooms, the regular hours of mealtimes, comings and goings, and the accoutrements of permanent residents; furthermore, they are under the supervision of the owner. It is noted that the applicant intends to create "quality private lets" for workers rather than students, and this makes good economic sense in ensuring that the accommodation commands a good return and is easy to let. However this aspect cannot be controlled, and the owner, or future owners, may not follow this route for a variety of reasons. The lack of any on site management is also of concern, and no evidence has been provided regarding how the amenities of neighbours could be safeguarded, other than advising that the management of the building would be handed over to a local agency, which would carry out regular checks on "condition and behaviour", which again cannot be controlled. It is acknowledged that HMO's provide a valuable source of accommodation at the lower end of the market, however it is considered that this should not take precedence over the amenities of existing residential occupiers.

Although the property is no longer within the designated Tourist Accommodation Area, it immediately abuts it, and in fact faces the rear of the hotels along Royal Parade. The Borough Plan acknowledges the function HMO's play in providing homes for people with few housing options, but also acknowledges that the lifestyle of occupants (generally single and younger) is not always compatible with the expectations of tourist accommodation areas, and policy HO14 specifically excludes permission being granted for HMO's in the Tourist Accommodation Area in view of the importance of retaining the town's stock of hotels and guest houses. Whilst acknowledging that the application premises is not in the designated area, it could not be any closer, and this, combined with the large number of potential occupiers in the property leads to the conclusion that the proposal would have an adverse impact on the adjacent Tourist Accommodation Area.

Some of the objectors have stated that the area is already saturated with HMO's. The Specialist Advisor (Environmental Health) has confirmed verbally that there are no registered HMO's in Rylstone Road, and that they are either operating without consent, or below the level which would trigger registration; no planning permissions have been granted for HMO's, although it is feasible that there are some which do not require formal consent. Four properties have been converted into self-contained flats (3, 11, 13 and 27). The nearby former Cambridge Hotel changed to hostel/multiple occupancy before legislation was amended to preclude it, and after many years of anti-social

behaviour (culminating in enforced closure) has recently been converted into self-contained flats, which has been a boost to the general appearance of the area. It is concluded that the introduction of a ten room HMO into the street would have an adverse impact on the character of the area and would be out of keeping with the typical use of the adjoining and nearby residential properties.

Design issues:

It is stated in the application that the parking space at the rear of the building would be given over to cycle parking. It is unfeasible that residents would wish to leave cycles in this location with the provision of completely secure facilities. This would mean individual, weatherproof, lockable stores within a secure yard. No details of this have been provided. If consent were to be granted, then this aspect should be secured by a planning condition.

Impacts on highway network or access:

Many of the objectors have cited parking as a major issue. This aspect is very difficult to accurately assess. A guest house has the potential to generate a high proportion of tourists who arrive by car (being too small to attract modern coach trade), as the town attracts both short stay visitors (on touring holidays), and those who use Eastbourne as a pleasant base with many facilities but also visiting other destinations in Sussex. Indeed the agent states that the current owners accommodate many contractors working in the town who have cars. Such a concentration of car users is likely to peak in the summer months. On the other hand, HMO residents are less transient, and may well have cars if they are workers occupying quality accommodation, and a relatively high proportion of students have cars; conversely, if the residents are out of work, there may be few who have the resources to run cars. The level of car use is therefore likely to change as residents come and go. The property is located relatively close to bus routes along the seafront and Seaside, and the shops in Seaside are within walking distance, therefore car ownership would not be a necessity for this location although it is clearly the case that most residents in the area do own cars.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The use of the property as a large House in Multiple Occupation would result in an unacceptable intensification of use of the premises and would be detrimental to the amenities of neighbouring occupiers, and the character of the locality and the adjacent Tourist Accommodation Area, and would therefore conflict with the Council's approved policies.

Recommendation: Refuse for the following reason:

The use of the property as a large House in Multiple Occupation would result in an unacceptable intensification of use of the premises and would be detrimental to the amenities of neighbouring occupiers, and the character of the locality and the adjacent

Tourist Accommodation Area, and would therefore conflict with policies B2 and D5 of the Eastbourne Core Strategy Local Plan 2013, policies HO9, HO14, HO20 and TO3 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.