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| App.No: 141309 (PPP) | Decision Due Date: 10 December 2014 | Ward: Devonshire |
| Officer: Sally Simpson | Site visit date: 16 April 2014 | Type: Planning Permission |
| Site Notice(s) Expiry date: 5 November 2014 Neighbour Con Expiry: 5 November 2014 Weekly list Expiry: 6 November 2014 Press Notice(s): 30 December 2014 | | |
| Over 8/13 week reason: Advert in paper deadline missed & referred to committee by Chair at delegated 14/01/15 | | |
| Location: 35 Elms Avenue, Eastbourne | | |
| Proposal: Proposed change of use from single private dwelling to an 8 bedroom house of multiple occupation. | | |
| Applicant: Miss Sarah Gent | | |
| Recommendation: Approve conditionally | | |

Executive Summary:

This application has been referred to Committee by the Chair of Planning so as to discuss the merits of the case with regard to the view of the number of HMO's in Elms Avenue in particular in and the wider town centre area in general.

The proposal provides a level of occupancy that is deemed acceptable and comparable with other HMO's in the area.

Planning Status: Single private dwelling

Constraints:

Conservation Area Town Centre and Seafront Conservation Area

Relevant Planning Policies:

National Planning Policy Framework 2012

Paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 17, 47, 50, 51, 65, 131, 134, 196 & 197

Eastbourne Core Strategy Policies

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution Sustainable Centre

B1 Spatial Development Strategy and Distribution Sustainable Neighbourhood

C1 Town Centre Neighbourhood Policy

D5 Housing Low Value Neighbourhoods
D10 Historic Environment Archaeological Notification Area
D10 Historic Environment Conservation Area

Borough Plan Policies

Eastbourne Borough Plan 2001-2011
HO2 Predominantly Residential Areas
UHT15 Conservation Area
NE14 Source Protection Zone

Site Description:

This mid-terrace property is located on the North side of Elms Avenue, close to the junction of Elms Road, in the Town Centre and Seafront Conservation Area.

Relevant Planning History:

080266
Change of use from guest house to single private dwelling
Planning Permission Approved unconditionally 10/06/2008

131029
Proposed change of use from a residential dwelling to an HMO (House in Multiple Occupation) for 10 occupants, together with internal alterations.
Planning Permission Withdrawn 4 September 2014

Proposed development:

The applicant is seeking planning permission to change the use of the property from a single private dwelling to a house in multiple occupation (eight rooms some shared facilities) together with internal alterations.

Consultations:

Internal:

Specialist Advisor, Conservation

As the works are mainly internal, with the only external works being to the rear for the bin storage, a recommendation for approval has been advised. The officer concludes that with no external alteration to the front elevation the character and appearance of the building and the wider town centre and seafront conservation area would remain unaffected by this proposal.

Specialist Advisor, Planning Policy

Has advised that the proposal is acceptable in principle, subject to material planning considerations, as the property is located outside the Tourist Accommodation Area and will not be against policy guidelines.

Private Housing Team: At the time of writing the Council's Private Housing Team are evaluating a HMO Licence application.

Neighbour Representations:

A site notice was put up outside the site and neighbour letters dated 15 October

2014 were sent to neighbouring properties as part of the planning consultation process. No letters of support or objection have been received to date.

Appraisal:

The main issue to take into account in determining this application is the impact on residential amenity.

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

A number of other properties within Elms Avenue have previously been granted lawful use certificates as HMO's

The current application proposes to use the property as an HMO for 8 residents (5 with private bathrooms and 3 sharing bathrooms), there is also a communal store room and kitchen within the proposal.

In line with the Local Core Strategy this proposal would meet the criteria for policy C1 and D5 in that through the change of use to a HMO a residential development will be delivered, making an important contribution to the housing needs of the town centre as a sustainable centre within this low vale neighbourhood.

In order to maintain an attractive front elevation to Elms Avenue with its uniformed red brick, terraced rows in the "Arts and Crafts" style a condition that prevents the erection of any satellite dishes will be attached to any planning consent subsequently granted.

A further condition to discharge details of the proposed bin storage will also be attached to any planning permission that is granted.

Impact on character and setting of a listed building or conservation area:

This application is for a change of use and as such there are no changes to the external fabric of the building.

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 proposed change of use from a single private dwelling to a HMO for 8 residents is recommended for approval, subject to conditions.

The proposal is in accordance with policies HO2, HO14, HO20 of the Eastbourne Borough Plan 2001-2011 (Saved policies, 2007), B1, C1, D5 and D10 of the Eastbourne Core Local Strategy 2013, and the guidance outlined within the National Planning Policy Framework (2012).

Recommendation: Approve, subject to the following conditions

Conditions:

1. Time limit

2. The development hereby permitted shall be carried out in accordance with the following drawings:

- Site Location plan received 25 September 2014
- Proposed ground, first and second floor plan received on 7 October 2014
- Proposed roof plan received on 7 October 2014
- Proposed basement, garden and location of bin store received on 7 October 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

3. That the premises shall be used as a House in multiple occupation (HMO) with eight rooms (as outlined on the plans hereby approved) and for no other purpose (including any other purpose in Class 4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the precise use of the building in the interests of the amenities of the adjoining residents.

4. At no time shall satellite dishes be fixed to the front elevation of this property without prior approval from the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the streetscene and the Town Centre & Seafront Conservation Area.

5. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall highlight the bin/refuse enclosure to the rear of the plot, the details as approved shall be implemented in prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

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**.