

App.No: 150208 (PPP)	Decision Due Date: 22 May 2015	Ward: Devonshire
Officer: Leigh Palmer	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 2 May 2015		
Neighbour Con Expiry: 2 May 2015		
Press Notice(s): N/A		
Over 8/13 week reason:		
Location: Sovereign View Guest House, 93 Royal Parade, Eastbourne		
Proposal: Retrospective application for Change of Use from Guesthouse (Class C1) to HMO(Sui Generis Class) with 6 bedrooms (with en-suite bathrooms) to accommodate up to 12 people.		
Applicant: Miss Beth Vander		
Recommendation: Refuse Planning Permission and authorise Enforcement Action to secure the cessation of the unlawful use		

Executive Summary

This application proposes the changes of use from Guest house (tourist accommodation) to a use as an house in Multiple Occupation for up to 12 residents occupying 6 rooms with en-suite facilities.

As is evident from the planning history below, this unit has had the benefit of planning approval for a change of use from tourist accommodation into a single dwelling house, this consent was never implemented and has now lapsed and the property is currently being used for HMO purposes.

This application is retrospective and seeks consent to continue the HMO use.

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 also provide substandard accommodation for the users/occupiers of this property.

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
D10 Historic Environment

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development
UHT4: Visual Amenity
UHT15 Conservation Areas
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
TO2 Retention of Tourist Accommodation
TO7: Preferred are for tourist attractions
Tourist Accommodation Outside the Designated Area

Planning Status:

Town Centre and Seafront Conservation Area and Tourist Accommodation Zone

Site Description:

Application site relates to a mid-terrace property formerly used as bed and breakfast accommodation. The property has accommodation over three floors (including the roof space) and it shares similar architectural features with other properties within this terrace.

There is no off street parking within the front garden areas, all of the properties within this terrace have well maintained front gardens. Notwithstanding the modest off street parking potential to the rear of the plot this property along with others in the immediate vicinity rely on street parking to meet their operational/residential needs.

Relevant Planning History:

050195 (92 Royal Parade) Application for a Certificate of Lawful Use as a single private dwelling. LD Certificate (proposed)
Issued 16/05/2005

060480 (94 Royal Parade) Application for Lawful Use Certificate for use as a single private dwelling house LD Certificate (proposed)
Issued 08/08/2006

100080 (application Property)
Change of use from guest house (Class C1) to single private dwelling

(Class C3). Planning Permission Approved conditionally 16/04/2010

Proposed development:

Application seeks retrospective consent for the continued use as a House in Multiple Occupation (HMO) for up to 12 residents within 6 bedrooms with en-suite accommodation.

- Ground Floor:- Communal accommodation (lounge, dining, kitchen and utility room)
- First Floor:- 3 bedrooms with en-suite shower/wc and communal bathroom and WC
- Second Floor 3 bedrooms with ensuite shower/WC

The bedrooms vary in size across/throughout the building with the approximate sizes being:-

Bedroom 1 (11sqm)
Bedroom 2 (13sqm)
Bedroom 3 (29sqm)
Bedroom 4 (20sqm)
Bedroom 5 (14sqm)
Bedroom 6 (13sqm)

The HMO use has been operational for a number of months and the applicant is now seeking retrospective consent to continue with the use.

The former use was as a guest house (bed and breakfast).

Consultations:

Internal:

Councillor Steven M Wallis Objects to the scheme as it promotes the loss of tourist accommodation and promotes inappropriate development. The development would add to parking stress in the area, there is a local focus on improving the area and this is supported by the Core Strategy and the Driving Devonshire Forward initiative.

Tourism Manager: No response received directly relating to this application however in relation to a similar scheme at The Courtlands Hotel their response (in summary) related to a desire to the creation of fewer tourist bed spaces but a higher quality would be an asset to the town/area.

Specialist Advisor (Planning Policy) The application is contrary to established policy.

Specialist Advisor (Conservation) The works as proposed are limited to the interior of the building, resulting in no change to the external envelope. In this respect there would be no change to the buildings aesthetic merit and as such the character and appearance of the immediate and wider area.

External:

Eastbourne Hotels' Association lodge an objection. Their comments in the main are summarised :

1. The evidence provided by the applicant – from what we can see online - is out of date and does not meet the requirements of the SPG.
2. The property is not suitable as an HMO and would not be in keeping with the other residences and guesthouses that trade in the area.
3. The assurances given in the application cannot be policed or managed effectively and indeed issues are already being reported in relation to the current users of the building (which should not be occurring if the people the applicant says would be using the building were using the building).
4. The applicant had permission given previously for the premises to be made a single dwelling based on evidence presented at the time. The EHA remained neutral in that application if I recall and made no comment. The fact that a tenant then successfully traded in the premises for 3 – 4 years during a recession confirms that the evidence presented then (which is the same as now) is unreliable surely?
5. The issue in relation to surplus bed spaces in Eastbourne does not relate to properties of the size of this guest house. As the Hotel Survey 2009 and now the one in 2015 confirmed – it is the larger hotels that now present challenges which is why we have supported applications for the larger hotels where there is a mixed residential and tourism offering in the application.

County Archaeologist:- No comments to make

Eastbourne Society: No comments received

Highways ESCC:- Refusal; The proposal does not provide for adequate facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the B2106 Royal Parade and surrounding streets.

Neighbour Representations:

Letter of consultation were sent to 38 local residents and the Council received 23 letters of objection Objections have been received and cover the following points:-

- Would adversely impact upon the character of the area;
- Parking situation would be made worse;
- holiday area will be impacted by this proposal;
- May give rise to anti-social behaviour;
- Royal parade is a very nice/quiet area which may be changed by this development ;
- The quality of the building stock may be impacted if this were to be supported and the landlord does not invest in their property;

- If the character of the area does go down then it would impact upon the remaining hotel businesses in the area;
- Evidence submitted with the application is out of date, the area and the market for holiday accommodation is buoyant and vibrant, there have a least 6 businesses that have changed hands over the last 3 years; three very close to the application property Nos 90, 91, 92
- If supported may set a precedent for others to follow;
- More Rubbish on the streets ;
- Residents will not have any interest in the community, the current owner is an absentee landlord and is only doing this for financial gain with no regard for local residents;
- Does not provide the type of accommodation that is needed;
- The area is a tourist hotspot ;
- Family area with Treasure Island opposite;
- HMO's can impact upon the area;
- Already in use without Planning permission ;
- Will impact upon the quality of life for the existing residents;
- The property is already showing signs of disrepair;
- Contrary to planning policy whereby HMO will not be supported in tourist zones;
- Lots of people coming and goings would increase;
- There is an over proliferation of HMO's in other parts of the town and the character of the area has suffered as a consequence;
- Size of the rooms are deemed to be very small and not suitable for permanent living accommodation;
- Fear of crime and safety if in HMO use;
- Residents don't contribute to the local community
- Over recent years a lot of young families have moved into the area
- Increase in traffic congestion
- Scheme would appear to conflict with elements of the local plan in that the loss of hotel accommodation to inappropriate development should not be supported

Appraisal:

Principle of development:

The National Planning Policy Framework is clear that sustainable residential development should be granted planning permission without delay to ensure greater choice of housing in the local market and to meet local and national housing needs.

The site is identified within the designated Tourist Accommodation Area (Policy T01 of the Eastbourne Borough Plan and Policy D3 of the Eastbourne Core Strategy Local Plan) and as such should in principle be retained as tourist accommodation unless a case has been proven on viability/redundancy grounds that the commercial use cannot be pursued.

It is apparent from the planning history that the loss of the tourist accommodation to residential was previously accepted in 2010 however this was never implemented. To some extent the situation over viability/redundancy has changed in more recent years as the economy emerges from recession and a number of existing businesses (tourist related) have been sold/changed hands.

As the property lies within the Tourist Accommodation Zone and that the 'lawful' use of the property is as a guest house providing tourist accommodation the change of use to HMO would be contrary to Policy HO14 of the Eastbourne Borough Plan.

Policy HO14 outlines the broad policy support for a range of residential accommodation within the Borough and recognizes the important role that HMO's can play in meeting the needs of certain sectors of society. This this policy though lays greater weight with the importance of maintaining the tourist accommodation within the key tourist accommodation zone and as such HMO are not to be supported in this key area.

Given the above policy position the proposal is unacceptable as a matter of principle.

The Council is progressing its Eastbourne Seafront Local Plan, a part of which is reviewing the Tourist Accommodation area. However, this policy document is at an early stage and is not significantly advanced to deviate away from existing policy. Given this the overriding policy position is as outlined above and the emerging Seafront Local Plan should be given very little weight in the assessment/evaluation of this application.

Given the location of the property and policy position as outlined above it is not considered that the application proposal is not in conformity to the Local Plan and therefore is considered not to be sustainable development in NPPF terms.

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

It is accepted that the 'lawful' use of the property as tourist accommodation would have some impact upon the amenities of the occupiers of the adjoining and nearby properties by virtue of the operational needs and requirements of the establishment. The comings and goings of the clientel and the serving of tourists accommodation would be known and expected within the tourists accommodation zone.

This area (tourist accommodation zone) has been long standing and the impacts are considered to be somewhat transitory with the changeover of guests and visitors. The use of the property for HMO use is likely to have a different impact given that the resident/occupiers are likely to more resident for longer periods of time. This is likely to increase the callers/visitors to the property and may also increase the pressure upon the refuse and recycling facilities at and within the vicinity of the site.

It is accepted that there is the potential for off street storage of refuse/recycling facilities within the rear yard area, however the effective use of this area may be compromised with the the desire for it also to provide an element of off street car parking and cycle storage.

In addition the independent living accommodation to the intensity proposed byway of this application is likely to result in the pressure for onstreet parking spaces, this issue is outlined further below.

Despite the issue of HMO's being prevented within the Tourist Accommodation Zone there are no other geographical restrictions and similarly there are no policy restrictions

over the concentration of HMO's within a particular area. Some respondents have commented that there are a number of existing HMOs within proximity to the application site and an additional unit would add to the down grading of the area and the incremental erosion of the residential character of the area. Given this policy void it is recommended that a refusal based solely on this issue could not be substantiated.

Design issues:

The application relates to the change of use of the property and as such there are no external changes to the main fabric of the building. It is considered therefore that a refusal based upon the likely impacts from the use of the property upon the character and appearance of the host/parent property and wider street could not be substantiated.

It is noted that this added to the lack of investment into the property/area from absentee landlords is a concern raised by a number of respondents to the application, Members are advised that this is not a material issue in the determination of this application as if this proves to be the case then there remains legislation (S215 Notice) that could be instigated to remedy the issue.

As described within the description of development section above it is considered that the sizes of some of the bedrooms are small, to some regard this is mitigated by having shared communal accommodation on the ground floor however given that the extent of independent living will occur within the private space (bedrooms) then the size of some of these rooms is considered to be inadequate and provide inappropriate accommodation.

It is accepted that HMO accommodation provides accommodation of a nature to suit a particular sector of society however it is considered that the sizes proposed by this submission does not provide the new/likely tenants with quality living accommodation.

Impact on character conservation area and surrounding area:

As commented previously there is little external impacts to the fabric of the building and as such there would not be any material impacts upon the character of the wider conservation area. It is accepted that the use may have an impact upon the available street parking in the area; to some regard this may have an impact upon the character of the area. Given that the majority of properties within the area, both residential and commercial rely on on-street parking this proposal would not result in a material impact upon the character of the area.

Given the desire to park as close as is practicable to the development site it there may well be a tendency to park informally and that this somewhat haphazard parking regime may give rise to visual impact upon the character of the area. Notwithstanding this it is considered that any loss of amenity that may result from this issue is not so severe as to justify a refusal of planning permission.

Some of the respondents have commented upon the anti-social behaviour and that there is a fear of crime as a result of the tenants that often occupy HMO's. As members will be aware the application is retrospective and to date there has not been any direct complaints received over the conduct of the tenants.

It is considered that little weight should be given to this issue in the assessment of this application.

Impacts on highway network or access:

Many of the objectors have cited parking as a major issue.

The site in relative terms is located quite close to bus links and also Eastbourne Town Centre where there are a number of facilities and services. In this regard the use of the car may well be mitigated to a level similar to that as tourist accommodation.

Notwithstanding this though the use as an HMO for up to 12 residents would have significantly greater impact than if the property were used as a single family dwelling house (in accordance with the previous permission).

The true impacts of the proposal in highway terms is very difficult to accurately assess, however ESCC Highways Dept. have outlined that they have serious concerns over the proposal and that in highways terms this application should be resisted.

It is considered therefore that the application be resisted on this issue.

Other matters:

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.

It is considered that given the independent use of the residential accommodation that there will be the likelihood of the occupiers to have the use of private motor vehicles' and given the restricted nature of the site there will be a reliance on on-street car parking spaces to meet this demand. This situation is very likely to increase the pressures on parking stress to the detriment of other road users and also the other businesses and residential properties in the area.

Recommendation:

Refuse Planning Permission and authorise Enforcement Action to secure the cessation of the unlawful use

Refuse for the following reason:

1. The proposal seeks approval for the retention of an House in Multiple Occupation with the defined Tourist Accommodation Zone and as such is considered to be contrary to Policy HO14 of the Eastbourne Borough Plan (saved policies) 2007
2. The proposal seeks to create living accommodation for up to 12 residents and it is considered that the property is inappropriate for this intensity of conversion, and as such would have an adverse effect on the amenity of the area generally, and the amenities enjoyed by the occupiers of the neighbouring properties in particular, by reason of increased in activity, noise and general disturbance and would conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, Policies HO9 and HO14 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.
3. The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the B2106 Royal Parade and surrounding streets.
4. The proposal, given the poor standard/quality of accommodation, is likely to create an unacceptable living environment for the future tenants/occupiers of this building/use, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013 and Policies HO9 and HO14 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.**