

Report to: Planning Committee
Date: 10 December 2024
Application No: 240539
Location: 7a Meads Street, Eastbourne, BN20 7QY
Proposal: Change of use from single dwelling (Class C3) to 8no bedroom HMO (Sui Generis)

Applicant: Mr Roger Cotton
Ward: Meads
Recommendation: Approve, subject to conditions

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Site Location Plan:



1.	Executive Summary
1.1	The application is being presented before planning committee due to the level of objection raised regarding the proposal.
1.2	The application seeks permission for the change of use of the property from Class C3 (Residential Dwelling) to Sui Generis for an 8no-bedroom House of Multiple Occupation (HMO).
1.3	The application site is currently being used a seven-bedroom HMO, planning permission has not previously been granted for this use. Whilst the building has been in use as an HMO for a number of years, this use is not lawfully established.
1.4	The proposal is to increase the number of bedrooms from 7no to 8no bedrooms with a maximum occupancy of 8-persons.
1.5	Whilst the proposal would result in the loss of a single residential dwelling, HMOs play an important role in the contribution towards the housing need of the Borough.
1.6	The development would result in a good level of accommodation for future occupiers, would not have significant impacts upon the amenity of occupiers that surround the site, or impact upon the character and appearance of Meads Street or the wider Conservation Area.
1.7	Merits of the scheme can be summarised as: <ul style="list-style-type: none"> - Provide a good level of accommodation for future occupiers. - Contribute towards housing mix within the area.
1.8	<u>Social Benefits</u> There would be social benefits by providing shared housing, for which there is an identified need in the Borough and from the increased choice of homes and population in the area. This carries significant positive weight in the planning balance.
1.9	<u>Design and Built Environment</u> The proposal does not have any external changes proposed. This would carry a neutral weight in the planning balance.
1.10	<u>Transport</u> The proposal would promote sustainable transport means of transport, including cycling, and is in a highly sustainable location. This carries moderate positive weight in the planning balance.

1.11	<p><u>Economic Benefits</u></p> <p>The proposed development would provide short-term economic benefits in the form of jobs associated with internal alterations and with ongoing maintenance of the site, increased local spend in the local economy and the regeneration of the area attracting further inward investment.</p> <p>This carries moderate positive weight in the planning balance.</p>
1.12	<p><u>Sustainability</u></p> <p>The proposal would make efficient use of an existing property.</p> <p>This carries moderate positive weight in the planning balance.</p>
1.13	<p><u>Impact on Heritage Assets</u></p> <p>The proposed development is not considered to have an impact or harm towards the setting of the Meads Conservation Area.</p> <p>This would carry limited positive weight in the planning balance.</p>
1.14	<p><u>Neighbour Amenity</u></p> <p>The proposed development would not impact upon the amenities of neighbouring occupiers.</p> <p>This would carry significant positive weight in the planning balance.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework:</u></p> <p>2: Achieving Sustainable Development 5: Delivering a Sufficient Supply of Homes 8: Promoting Healthy and Safe Communities 12: Achieving Well-Designed and Beautiful Places 16: Conserving and Enhancing the Historic Environment.</p>
2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B2: Creating Sustainable Neighbourhoods C11: Meads Neighbourhood Policy D4: Shopping – Meads Street District Shopping Area D5: Housing D10: Historic Environment D10a: Design.</p>

2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>HO3: Retaining Residential Use</p> <p>HO9: Conversions and Change of Use</p> <p>HO14: Houses in Multiple Occupation</p> <p>HO20 Residential Amenity</p> <p>NE18: Noise</p> <p>SH7: District Local and Neighbourhood Centres</p> <p>TR6: Facilities for Cyclists</p> <p>TR11: Car Parking</p> <p>UHT1 Design of new Development</p> <p>UHT4 Visual Amenity</p> <p>UHT15 Conservation Area.</p>
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3.	Site Description
3.1	The application site is located on the eastern side of Meads Street on a corner plot with the junction of Dalton Road.
3.2	The application relates to the first second and third floor which is currently under a Class C3 residential use, the ground floor level is under Class E use and currently occupied by Strands of Meads Street hairdressers.
3.3	The application site is currently being used a seven-bedroom HMO, planning permission has not been granted for this use.
3.4	The application site is a non-listed property, located within the Meads Conservation Area.

4.	Proposed Development
4.1	The application seeks permission for the change of use of the building from Class C3 (Dwellinghouse) to Sui Generis for a 8no bedroom HMO.
4.2	The change of use would include internal works to create an additional bedroom with ensuite, relocation of the communal kitchen and an ensuite bathroom added to a bedroom on the second floor. All works are internal.
4.3	The accommodation provided would be a communal kitchen/dining area, 2no bedrooms with ensuite, 6no bedrooms and 2no shared bathrooms. Bin storage and cycle storage are provided in a courtyard area at ground floor.
4.4	The application site is currently in use as a 7no bedroom 8no person HMO which has not had planning permission. This application proposes to

	regularise the use of the property as an 8no bedroom, 8-person HMO together with improvements to the quality of the accommodation provided for future occupiers.
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5.	Relevant Planning History:
5.1	240061 Lawful Development Certificate for existing use as a 7 bedroom, 8 person HMO (Sui Generis) LD Certificate (Existing) Withdrawn 18/09/2024.

6.	Consultations:
6.1	<u>Conservation Officer:</u> This application relates to rented accommodation located above a commercial property on Meads Street, which forms part of Meads Conservation Area. No external works are involved, and there will be no physical change to the presentation of the property at street level. Accordingly, there are no significant concerns about any adverse effect on the character and appearance of the conservation area.
6.2	<u>Meads Community Association:</u> The Meads Community Association wishes to support the concerns of local residents and object to this planning application to the change of use from a single residential property to an 8 roomed HMO. Whilst it seems that in the past the property has been used as an unofficial 7 roomed HMO there is no longer a valid reason for this property to remain as an HMO. With the withdrawal of Brighton University from Meads there is no longer a valid reason for an HMO in Meads Street which is in the heart of the Meads Conservation Area. The new policy adopted by EBC for HMO's recognises that the location of HMO's can be detrimental to a residential area, and we consider that under this policy this application is totally unsuitable. An 8 roomed HMO could be occupied by up to 16 residents and it would seem from the application that there are inadequate bathroom and kitchen facilities for this number of residents. We are aware that there have been in the past a number of complaints concerning noise and antisocial behaviour from this property. A number of residents objections have raised concerns about the likely increase in vehicle parking from an increase in residents at this property as vehicle parking in the area is at a premium which we support. We remind EBC Planners that Meads Street is the only road in Eastbourne which is recognised by East Sussex County Council as of 'high conservation value' and therefore we consider that this important building in Meads Street should be converted into family sized flats. This would add to the overall wellbeing of the Meads Conservation Area.

7.	Other Representations:
7.1	<p><u>Notification:</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ul style="list-style-type: none"> a. neighbour notification letters b. site notices displayed in roads neighbouring the site, and c. consultation with the Meads Community Association.
7.2	<p><u>Neighbour Representations:</u></p> <p>11 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> - Parking provision <p>Officer Response: The proposal does not seek to increase the number of occupants and this will remain at a maximum of 8no occupants. There will be no increase in demand for parking.</p> - Impact to the conservation area <p>Officer Response: There are no external works proposed that would impact upon the character and appearance of the conservation area.</p> - Overcrowding <p>Officer Response: The proposed occupation is no greater than can be achieved within the scope of the established use as a single-family dwelling.</p> - Noise <p>Officer Response: the proposed use is in keeping with the mixed use of the area which has both residential and commercial properties in the immediate vicinity.</p> - Waste management <p>Officer Response: A management plan will be requested via planning condition to ensure the maintenance and management of the property, including the presentation and returning of bins.</p> <p>1 General Observation</p> <ul style="list-style-type: none"> - Property is already an HMO.

	<p>Non-material matters raised in the objections:</p> <ul style="list-style-type: none"> - Property Values <p>Officer Response: Valuation of properties does not form part of the planning consideration in the determination of applications.</p> <ul style="list-style-type: none"> - Should be converted into flats not a HMO <p>Officer Comment: This does not form part of the application proposal and is therefore not a consideration in the determination of the application.</p> <ul style="list-style-type: none"> - Anti-social behaviour <p>Officer Response: The proposed development will not encourage unsociable behaviour.</p>
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main issue to consider when assessing this application is the impact of the proposal on the character and vitality of this area, and how the development impacts upon the visual amenity of the host building and impact on neighbouring amenity.</p>
8.2	<p><u>Principle of Development:</u></p> <p>Core Policy C11 advises the part of the vision for Meads neighbourhood will be promoted by providing new housing through redevelopment and conversions in a mix of types and styles and will protect the historic environment from inappropriate development.</p> <p>Policy HO3 of the Eastbourne Borough Plan resists against the loss of net loss of dwellings within the Borough, whether this is through the net loss of existing dwelling units or a net loss in the number of residential units previously committed. Exceptions to this policy will be made where it can be demonstrated that a scheme would result in a significant improvement in the quality of residential accommodation provided. This proposal would not result in a net loss of dwelling units in the Borough.</p> <p>Saved policy HO14 is supportive of HMOs outside the tourist accommodation area, provided they comply with residential, visual and environmental amenity considerations as set out in other policies.</p> <p>Policy HO9 seeks to retain properties of 3no-bedrooms and less as single residential properties, ensure the amenity of adjoining occupiers are not negatively impacted, provide acceptable standard of accommodation for future occupiers.</p>

	<p>The change of use will contribute towards the housing mix in the area, will not result in a net loss of dwellings, is not located within the tourist accommodation area and whilst we have not been provided floor plans for the property prior to being an HMO it is assumed from the layout of the property there were at least 4no bedrooms.</p> <p>There is no principle conflict with adopted policy, which would prevent approval of the application, subject to consideration of the design and visual impact upon the character of the area and the impact upon the amenity of neighbouring occupants, pursuant to the requirements of the National Planning Policy Framework (2021), policies of the Core Strategy 2006-2027 and saved policies of the Eastbourne Borough Plan 2001-2011.</p>
8.3	<p><u>Land Use:</u></p> <p>The application seeks permission for the change of use of the dwelling from Class C3 (Dwellinghouses) to Sui Generis for an 8no bedroom HMO. It should be noted that the property has been in use as a 7no bedroom HMO for some time without prior planning permission being granted.</p> <p>A lawful development certificate for existing use was applied for under reference 240061 which was subsequently withdrawn due to insufficient evidence being submitted. The property changed ownership a few years ago and the new owners were unable to obtain the relevant evidence required to issue the lawful development certificate, HMO licences alone were insufficient to prove that the property had been in continual use as a HMO with no breaks.</p> <p>The use as an HMO is considered to be acceptable, HMOs make a contribution towards the to the housing mix and in this instance, the HMO has been in use for some years, despite the HMO use not being regularised.</p> <p>This application seeks to regularise the use as a HMO but also change the HMO from an 7no-bedroom 8no-person to an 8no-bedroom 8no-person HMO. The application would not result in any additional occupants.</p>
8.4	<p><u>Visual Impact and Design:</u></p> <p>The application proposes a change of use to the first, second and third floors of the existing property of 7a Meads Street with no external changes proposed.</p> <p>As such, there would be no impact on the character or the visual amenity of the streetscene or wider area resulting from the proposal. It is therefore concluded that the proposal satisfies policies D10a and UHT4.</p>
8.5	<p><u>Impact upon Heritage Assets:</u></p> <p>The application site is a non-listed property located within the Meads Conservation Area.</p>

	<p>The application proposes no external changes to the building, there are no concerns with regards to the impact of the proposal on the character of the surrounding conservation area.</p>
<p>8.6</p>	<p><u>Amenity and living conditions for future occupiers:</u></p> <p>Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’</p> <p>The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy.</p> <p>Based on the floor plans provided, bedrooms would generally be substantial in size, with private washing facilities. Suitably sized communal kitchen and dining facilities are also provided. The proposed accommodation would generally provide good quality accommodation for occupants.</p> <p>All bedrooms and the communal kitchen/dining area have good access to natural light and ventilation as they are well served by clear glazed windows.</p> <p>The main access to the property from the street is to the front of the building, facing out towards Meads Street where there is a good level of surveillance from neighbouring dwellings as well as from windows of flats forming part of the development.</p> <p>The area is mixed use with commercial and residential properties surrounding, the proposed use is therefore considered to be compatible with this mixed environment and would not generate levels of noise, light or air emissions that would cause undue disturbance towards future occupants of the proposed development.</p>
<p>8.7</p>	<p><u>Impact upon residential amenity:</u></p> <p>The development will have a limited impact upon the residential amenity of occupiers that surround the site.</p> <p>The proposal includes no external alterations to the property and therefore there will be no new impacts in terms of overshadowing, loss of light or impacts to privacy.</p> <p>The use as an HMO is not considered to impact upon amenity in terms of noise or nuisance. Objections have been raised to the proposal relating to noise and activities of occupants, this is not a material planning matter and separate environmental protection legislation is in place should any nuisance issues occur.</p>

	<p>It should also be noted that all HMO's occupied by more than 5 persons must be licenced by the Council's Housing Department. The security and maintenance standards of the HMO are fully assessed as part of the licencing process as per The Management of Houses in Multiple Occupation (England) Regulations 2006 and any licence granted has to be renewed every 5 years. A licence can also be revoked at any time.</p>
8.8	<p><u>Transport and Parking:</u></p> <p>The proposal does not incorporate any off-street car parking spaces and would operate in a similar manner to the current situation.</p> <p>Given the sustainable location of the application site, that there is no current off-street parking for the existing use and that census data demonstrates that HMOs comprises lower car ownership than C3, it is not considered that the impacts on the transport network would be significant.</p> <p>The surrounding streets in the vicinity of the site are occupied by a controlled parking zone, which limits on street parking to 2 hours, with no return within 2 hours. Resident permits could be obtained from ESCC as the parking authority, which would be issued taking account of capacity.</p>
8.9	<p><u>Refuse/recycling and cycle storage:</u></p> <p>Bin storage is provided in the courtyard to the north side of the building, this area will also be able to provide space for cycle storage for up to 2no cycles. Whilst this does not meet the recommended guidance of providing 1no cycle space per bedroom, it is an improvement to the current situation where there is no cycle storage for the occupants of the building.</p>
8.10	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.11	<p><u>Conclusion:</u></p> <p>It is considered that the proposed development will provide a good level of accommodation, will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The Proposal therefore complies with local and national policies.</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to appropriate conditions that are listed below.

10.	Conditions
10.1	<p>Timeframe: The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
10.2	<p>Drawings: The development hereby permitted shall be carried out in accordance with the approved drawings:</p> <ul style="list-style-type: none"> - Drawing: Site Location Plan - Drawing: 03 – Proposed Floor Plans - Drawing: 04 – Proposed Elevations - Drawing: 05A – Existing and Proposed Block Plan - Drawing: 06 – Proposed Bike Storage Plans <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>Maintenance and Management Plan: A Maintenance and Management Plan (MMP) for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of the decision notice. The MMP shall include details of the management of litter and the cleanliness of the site, the maintenance of the building and the management of refuse and recycling storage areas and containers, which shall not be left on the public highway and shall be returned to the designated refuse and recycling storage enclosures shown on the approved plans. Thereafter, the development shall be managed strictly in accordance with the approved details for the lifetime of the development.</p> <p>Reason: To ensure satisfactory maintenance and management of the site to protect the amenity of the area and neighbouring occupants.</p>
10.4	<p>Occupancy: The property shall only be used as a House of Multiple Occupation and shall not be occupied by more than 8 occupants at any one time.</p> <p>Reason: For the avoidance of doubt and in the interest of clarity.</p>
11.	Appendices
11.1	None.

12.	Background Papers
12.1	None.