

**ITEM NO.**

4

**COMMITTEE DATE:**

05/12/2011

**APPLICATION NO:**

11/1560/03

FULL PLANNING PERMISSION

**APPLICANT:**

Mr V Blackshaw

**PROPOSAL:**

Change of use from hotel to house in multiple occupation

**LOCATION:**

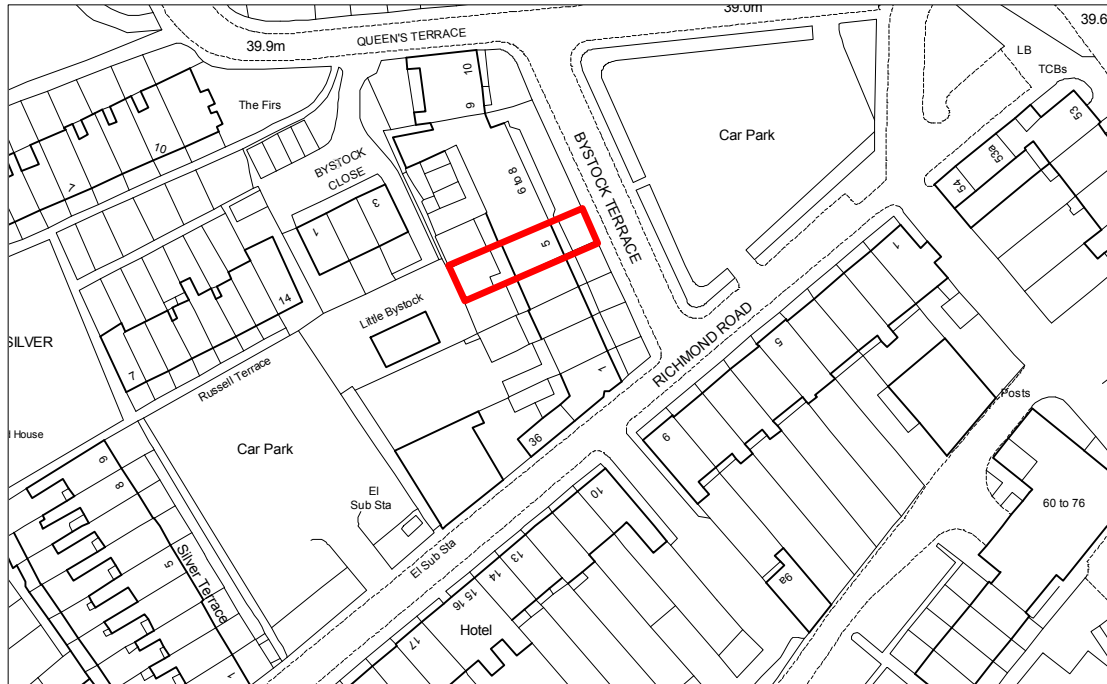
5 Bystock Terrace, Exeter, EX4 4HY

**REGISTRATION DATE:**

21/09/2011

**EXPIRY DATE:**

16/11/2011



Scale 1:1250

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## **DESCRIPTION OF SITE/PROPOSAL**

5 Bystock Terrace has been used as a hotel for approximately 25 years. The site is located within the St David's Conservation Area and is a Grade II Listed Building. The existing hotel is arranged with eight letting rooms on upper floors and two on the lower ground floor. The ground floor is used for the owners/managers accommodation and kitchen/breakfast room. Planning Permission is sought for a change of use to form a ten bedroom House in Multiple Occupancy (Sui-Generis). The proposal is to use the existing hotel accommodation as ten letting rooms with the existing kitchen, breakfast room and manager's accommodation being converted into communal rooms. No physical alterations to the building are required to facilitate the proposed change of use.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied with a Design and Access Statement which is summarised as follows:- *This site is one in which the suitability of the premises and central location would allow the change of use. There would not be significant change to the character of the area and no physical changes to the building are required.*

## **REPRESENTATIONS**

In total thirty four letters of objection have been received. Planning issues raised include:-

1. Over concentration of student Houses in Multiple Occupation.

2. Anti-social behaviour.
3. Detrimental impact on the character of the St David's Conservation Area.
4. Highway safety.
5. Provision of refuse storage provision.
6. Loss of hotel.
7. Reduction in residential amenity.
8. Harm to a Grade II Listed Building.

## **CONSULTATIONS**

The Executive Director of Environment, Economy and Culture raises no objection to the proposed development.

The Head of Environmental Health raises no objection.

Operational Services and Transport recommend a single condition.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

PPS5 - Planning for the Historic Environment

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

CO7 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

C1 - Conservation Areas

T3 - Encouraging Use of Sustainable Modes

C2 - Listed Buildings

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

Exeter City Council Supplementary Planning Document - Houses In Multiple Occupation

## **OBSERVATIONS**

The Exeter Local Plan 1995 - 2011 (ELP) does not carry any specific policies with regard to the conversion of hotel accommodation to Houses in Multiple Occupation (HMO). Further the ELP has no specific policies either with regard to the protection of existing hotels. Policy H5 of the Exeter Local Plan does concern itself with HMO's but only when the conversion involves the loss of a traditional family home. Nonetheless, given the residential setting and character of the host building Policy H5 is considered most applicable in the circumstances and therefore will be referred to throughout this report.

Applications for the conversion of family dwelling houses to HMO's are required to be assessed against Policy H5 of the Local Plan which states that such proposals will be permitted provided that *a) the scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems, b) the proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community, c) special needs housing is located close to local shops and services, community facilities and bus routes and d) student accommodation is located so as to limit the need to travel to the campus by car.*

In respect of criteria a) there are no structural alterations, either internal or external required for the proposed change of use. The applicant has indicated that the property will benefit from some minor maintenance but it should be noted that such works would not constitute development in their own right. It is difficult therefore to argue that there is an impact on the

character of the property itself. It is also difficult to identify an unacceptable impact on the character of the locality. The use of a building as a HMO is not always self evident from appearance alone and whilst some objectors comment that properties are often not maintained when a property is rented, this is not always the case. The refuse generated by a HMO can also be a problem and the storage arrangements need to be considered carefully. The applicant has indicated the same method of refuse storage will be utilised as at present however further details are awaited.

Multiple occupancy of a property can potentially lead to an impact on the amenity of neighbouring occupiers and this impact is also required to be assessed under criteria a). In this regard the first thing to note is that the Head of Environmental Health has not objected to the proposal on the basis of noise problems and whilst significant activity is likely to be generated by ten adult residents through comings and goings of occupiers and residents it is not easy to establish that any harm caused would be sufficient to refuse the application not least because of the generous size of the property which means that it can comfortably absorb the proposed occupation levels. In respect of the parking issue the Executive Director of Environment, Economy and Culture has raised no objection to the proposed change of use subject to the provision of an approved Green Travel Plan. As a result it is not anticipated that the change of use will result in on street parking problems.

Supplementary Planning Document (SPD) 'Houses in Multiple Occupation (including Class C4 Uses)' was agreed by the Council's Executive on the 5 July 2011. The guidance applies to all planning applications for change of use from homes (Class C3 of the Use Classes Order) to C4 (houses in multiple occupation by three to six people) and to 'sui generis' houses in multiple occupation of seven or more occupants, within the areas shown stippled on Plan 1 (see attached). The Local Planning Authority is mindful the abovementioned document makes reference to the conversion of dwellings only. By virtue of the fact the property subject to this application is within an established residential area and planning permission is required the SPD is material.

The purpose of the aforementioned guidance document is to clarify the implementation of Policy H5 (b) of the Exeter Local Plan. The basis of the policy is that the Council will resist any further changes of use to houses in multiple occupation within an area shown stippled on Plan 1, where the proportion of homes exempt from Council Tax already exceeds 20%. In other words, the Council will regard a proportion greater than 20% as an over-concentration of HMO use for the purposes of Policy H5 (b). The property subject to this application falls outside areas where an over-concentration of HMO's already exists and therefore is not subject to immediate restriction. The proposed development is compliant with Policy H5(b) and the LPA's SPD 'Houses in Multiple Occupation (including Class C4 Uses)' because the use would not contribute further to an existing over concentration of HMO's identified by the Council to the detriment of the character of the area.

The other element of the policy which is relevant to this proposal is criteria d) and in this case the proximity of property to the main university campus is recognised as advantageous as it reduces the need to travel by car. It is concluded therefore that there are not sufficient grounds to refuse the application as being in conflict with Policy H5.

A number of objectors have raised concerns about the impact of the change of use on the character and appearance of a Grade II Listed Building. Apart from the removal of the existing hotel signage no other physical alterations are required to facilitate the proposed change of use. Indeed the level of work required is so minimal the LPA have not sought an application for Listed Building Consent. Given the lack of physical works required the LPA are satisfied the proposal will not have a detrimental impact on the host building.

Finally, consideration needs to be given to the impact of the proposal on the character and appearance of the St David's Conservation Area. When determining planning applications within conservation areas the test is that the proposal either preserves or enhances the character and appearance of the conservation area. Whilst some HMOs can impact

adversely on the character of an area there are many others that do not and it is difficult to prove the link between occupation and harm to the character of an area to the degree that consent should be withheld. It is concluded therefore that the proposal will preserve both the character and appearance of the St David's Conservation Area.

### **NORTHERN AREA WORKING PARTY**

Members were advised the application would be presented at Planning Committee on the 5 December 2011 due to the level of representation that has been received (14/11/2011).

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 19 September 2011 (*dwg. no(s). J294/GT/04*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the light well, in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and this facility together with the ability to park cycles on the front terrace shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 4) No part of the development hereby approved shall be occupied until the residents of six rooms have been issued with a Green Travel Pack to inform them that they will not qualify for on-street parking permits and which shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and which shall be updated annually.  
**Reason:** To ensure that residents are aware of the 'car free' status of the development.

### **Local Government (Access to Information) 1985 (as amended).**

#### **Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223