

Reference: 06/16/0485/F

Parish: Great Yarmouth
Officer: Mr Jack Ibbotson
Expiry Date: 03-10-2017

Applicant: Mrs and Mrs Wheeler

Proposal: Change of use from a guest house to a 14 bedroom HMO with owner/manager flat contained in the basement

Site: 110-111 Wellesley Road, Great Yarmouth, NR30 2AR.

REPORT

1. Background/History:-

- 1.1 Originally the address had been two dwellinghouses which have been combined and converted into a single guest house at some point in the past. The current building has within the last ten years begun to be used as a HMO with a maximum of 18 bedrooms and a private flat for the owners in the basement. The site has fluxed between the permitted guesthouse use and increasingly the unauthorised use as a HMO. The accommodation is laid out with a basement flat for the property owners with two bedrooms and over the floors above 18 guest/HMO bedrooms. Currently the property is in use as predominantly a HMO and has been in this use for some time without planning or private sector housing consent. The property has been granted a HMO license for 18 letting rooms subject to the outcome of this planning application.
- 1.2 The property is located in a Conservation Area. The owners maintain the property in a clean and tidy state retaining the external character and appearance of a guest house. The property is located within the secondary holiday accommodation area and is amongst buildings in a variety of uses including converted flats, guest houses, hotels and commercial buildings there are also HMO's and Hostels in this wider area. The property is a corner property with a former hotel to the rear, and an adjoining flat conversion to the south. The property is close to the primary holiday accommodation area of along Princes Road and associated tourist areas. The site is not within a flood risk area.
- 1.3 The site has no off street parking, although it has been indicated that car parking could be provided off site at nearby car parks. No external amenity

space or storage area is open to residents other than the property owners. Bin stores would be as currently set out within the basement area external yard.

- 1.4 The previous application, had only been for the change of use, and was withdrawn during the May 2017 Committee meeting as it had only shown the layout and amenities as existing (06/16/0809/F). The letting room sizes and amenities were not considered to be of sufficient quality for use as a HMO and it was suggested that any improvements the applicant wished to introduce should be included in a revised application. The key changes between this application and the withdrawn previous application is that the layout would see a decrease in number of letting rooms, from 18 to 14. Additionally more floorspace would be given over to communal space for the occupants of the HMO. This has resulted in some of the smallest rooms being re-amalgamated into larger bedrooms.
- 1.5 The proposed floor plan would see the basement flat and guesthouse dining area being altered to form a 3 bedroom manager/owners flat. The ground floor would see 3 letting rooms being removed, from 8 rooms to 5 rooms. Rooms 11 and 12 along with the existing bar and lounge would be converted into a kitchen, dining room, and lounge rooms. The subdivision of rooms 4 and 4a would be removed to create a single room of 17.88m². Rooms would on this floor range in size from a minimum of 8.96m² to 17.88m².
- 1.6 The first floor would see one change to the layout of rooms reducing the number of bedrooms from 10 to 9. This would be through the removal of a subdividing wall in the north west room, creating a 19.6m room. The rooms on the first floor would range in size from 8.3m to 19.66m.
- 1.7 The proposed communal area for up to 14 rooms would become an area of 44m² including a linked kitchen and dining area, and separate lounge.
- 1.8 The applicants have put forward information stating that they would be willing to have a personal condition imposed on the property to tie their management and occupancy to the permission. Additionally they have supplied information setting out that the guest house use has proven to be unviable as a business, and that the rental of rooms on a permanent basis has allowed the property to remain open. As part of the occupancy the applicants provide towels, clean rooms on a weekly basis for permanent tenants. They also continue hosting holiday makers at the property, although this has decline over the period they have provided information for, and whilst permanent occupants have been at the property.

2. Consultations :-

2.1 Neighbours –

Both this and the previous application had a consultation in line with the General Development Procedure Order which included a site notice and letters to neighbouring properties. No objections were received to this revised scheme.

The previous withdrawn application saw 4 letters of representation being received from neighbouring residents and businesses supporting the application. The main points raised in these letters were that the current use of the building as a HMO/guesthouse has not caused harm to neighbouring properties (No.113 Wellesley Road, 103 Wellesley Road), the trading conditions are difficult and the mixed use including HMO is a means to make ends meet, that the empty buildings in the street are deteriorating and that this use leads to the properties being maintained. Additionally a nearby business had indicated that they have parking spaces available to current and future residents at a nearby car park.

2.2 GYBC Environmental Health –

GYBC's EH officer comments that the property is a clean and tidy HMO with a licence for 18 rooms. The officer supports the use as a HMO as currently operating with the only significant works required are the installation of a kitchen for tenants to prepare and cook their own meals. The EHO states that the property has been managed in a responsible and proactive manner and that no complaints have been received .

2.3 GYBC Conservation Team

No objection was raised to the previous scheme as no external alterations are proposed.

2.4 NCC Highways Officer -

No objection has been raised.

2.5 GYBC Building Control –

Building Control had previously confirmed that the works are not considered a change of use under building regulations and therefore the applicants would not be required to make a building regulations application.

3. Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

3.1 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

3.2 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it or the councils Adopted Great Yarmouth Local Plan – Core Strategy. These policies hold the greatest weight in the determining of planning applications.

3.3 POLICY HOU23

THE CONVERSION OR CHANGE OF USE OF PROPERTIES TO BEDSITS AND OTHER TYPES OF MULTI-OCCUPIED UNITS OF RESIDENTIAL ACCOMMODATION WILL BE PERMITTED WHERE:

(A) THE SITE IS OUTSIDE AN AREA SHOWN AS 'PRIME HOLIDAY ACCOMMODATION' ON THE PROPOSALS MAP;

(B) THE CHARACTER AND AMENITIES OF THE LOCALITY WOULD NOT BE SIGNIFICANTLY ADVERSELY AFFECTED;

(C) THE SITE IS NOT IN AN AREA PREDOMINANTLY COMPRISING PROPERTIES IN SINGLE FAMILY OCCUPANCY;

(D) CLUSTERING OF PROPERTIES IN MULTIPLE OCCUPATION WOULD NOT OCCUR; *

(E) THERE IS NO PROPERTY USED AS A SINGLE UNIT OF FAMILY ACCOMMODATION DIRECTLY ADJOINING THE PROPOSED DEVELOPMENT;

(F) THE PROPOSED DEVELOPMENT AND ASSOCIATED FACILITIES COULD BE PROVIDED WITHOUT SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING OR NEIGHBOURING BUILDINGS;

(G) THERE IS ADEQUATE ON-STREET CAR PARKING AND THE ONSTREET CAR PARKING REQUIREMENTS OF THE PROPOSAL WOULD NOT RESULT IN MORE THAN 70% OF THE AVAILABLE 'OVERNIGHT' ON-STREET RESIDENTIAL PARKING PROVISION BEING EXCEEDED UNLESS ADEQUATE ALTERNATIVE PROVISION IS MADE; AND,

(H) THE BUILDING IS 3 OR MORE STOREYS HIGH OR MORE THAN 95SQ M FLOOR AREA.

(*Note: Clustering constitutes 3 properties in multiple occupation forming a continuous group, or 50% of the length of any continuous frontage or sharing common boundaries.)

3.4 POLICY TR12

SUBJECT TO OTHER POLICIES IN THE PLAN, WITHIN SECONDARY HOLIDAY ACCOMMODATION AREAS, AS SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR CHANGE OF USE TO A SINGLE DWELLING, SELF CONTAINED RESIDENTIAL FLATS, RESIDENTIAL HOMES OR NURSING HOMES MAY BE PERMITTED IF THE APPLICANT CAN DEMONSTRATE THAT:

(A) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY ON THE CHARACTER OF THE AREA;

(B) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;

(C) PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S STANDARDS SET OUT AT APPENDIX (A) TO CHAPTER 3 OF THE PLAN; AND

(D) IN THE CASE OF AN ACCEPTABLE PROPOSAL FOR A CHANGE OF USE OF PART OF A PROPERTY, THE PROPOSED DEVELOPMENT WOULD RESULT IN AN IMPROVEMENT TO THE REMAINDER OF THE HOTEL, GUEST HOUSE OR PROPERTY.

3.5 POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

* ie. developments generally comprising not more than 10 dwellings.

4 Core strategy – Adopted 21st December 2015

4.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

4.2 POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

- Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth

e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

5. Assessment

5.1 The retrospective application for the change of use of the building formally to a House in Multiple Occupancy, including proposed internal alterations to provide 14 bedrooms and a basement flat raises predominantly an issue of policy compliance. Saved policy HOU23 of the Great Yarmouth Borough Wide Local Plan is a set of criteria by which to measure the potential impact of the development. Factors to be considered in particular are the impact upon the amenities of neighbours, the developments affect upon the character of the area, and quality of accommodation for future residents.

5.2 The applicants have put forward reasons as to why the change of use has been required to maintain solvency of the business. The applicants have obviously tried hard to limit the impact of the change of use to a HMO, and have since indicated proposed improvements in the communal space provision and would lose four of the smallest bedrooms. Additionally they have set out that they would be happy that the permission would be restricted by condition to ensure that the use only happens if they live at and manage the property. The key policy by which this application is assessed is saved policy HOU23 (Bedsits and other multi occupied residential accommodation) of the Great Yarmouth Borough Wide Local Plan.

- 5.3** The use of the site as a HMO is contrary to criteria as set out in saved policy HOU23, and on balance is considered unacceptable, as the harm to future occupants through poor quality accommodation, and the impact upon the neighbouring area through over intensification of the site is felt to be significant enough to warrant refusal.
- 5.4** Working through the eight criteria set out in policy HOU23 the site complies at least in part with the following points (Parts A, C, D and H).
- 5.5** The guesthouse is outside a prime holiday area (part A). The general external appearance of the building is good and the continued occupancy of the building would ensure there are funds to maintain the property, this is positive. The character of the area is that typical of a town centre with a mix of uses both residential, holiday and commercial.
- 5.6** The area is not predominantly compromised of single family dwellings (part C) as there is a variety of residential tenure types and non-residential uses in the surrounding area. Additionally, there would not be a predominance of HMO's, or clustering of HMO's as the two neighbouring properties are in flat/guesthouse uses. Clustering (part D) of HMO's would not occur. Additionally the building would comply with the size criteria as set out in this saved policy being both over three floors, and exceeding the minimum space standard of 95 SqM (part H). However as explained later the quality of space and individual room sizes is not adequate to meet more current planning policy and guidance.
- 5.7** The criteria where the scheme is not compliant are Parts B, F, and G of saved policy HOU23, nor is it in accordance with policy CS 01 or CS02 of Great Yarmouth Local Plan Core Strategy.
- 5.8** The use as a HMO does not benefit the character of the area as the intensity of 14 rooms and a flat permanently occupied would be out of character with the less intense flat conversions and seasonal tourist accommodation in the area. This over intense use would harm the amenity of neighbours through additional vehicle movements, increased visitor numbers and due to residents having to use the public footpath for outdoor amenity area due to lack of private spaces. The development would therefore adversely affect the character or amenities of the area (part B).
- 5.9** Criterion F sets out that if development can be provided without detriment to the occupiers of adjoining or neighbouring buildings then the use can be permitted. In this case however the proposal would lead to a significant year round change and intensification of use of the building, and due to the limited amenity space there is evidence at similar properties that this would encroach

upon the public outdoor areas as tenants would have insufficient internal space. The use of the property on all 3 floors for accommodation for in excess of 16 people would create noise and potential impact upon the adjoining buildings which would be far greater than the impact of the guest house use.

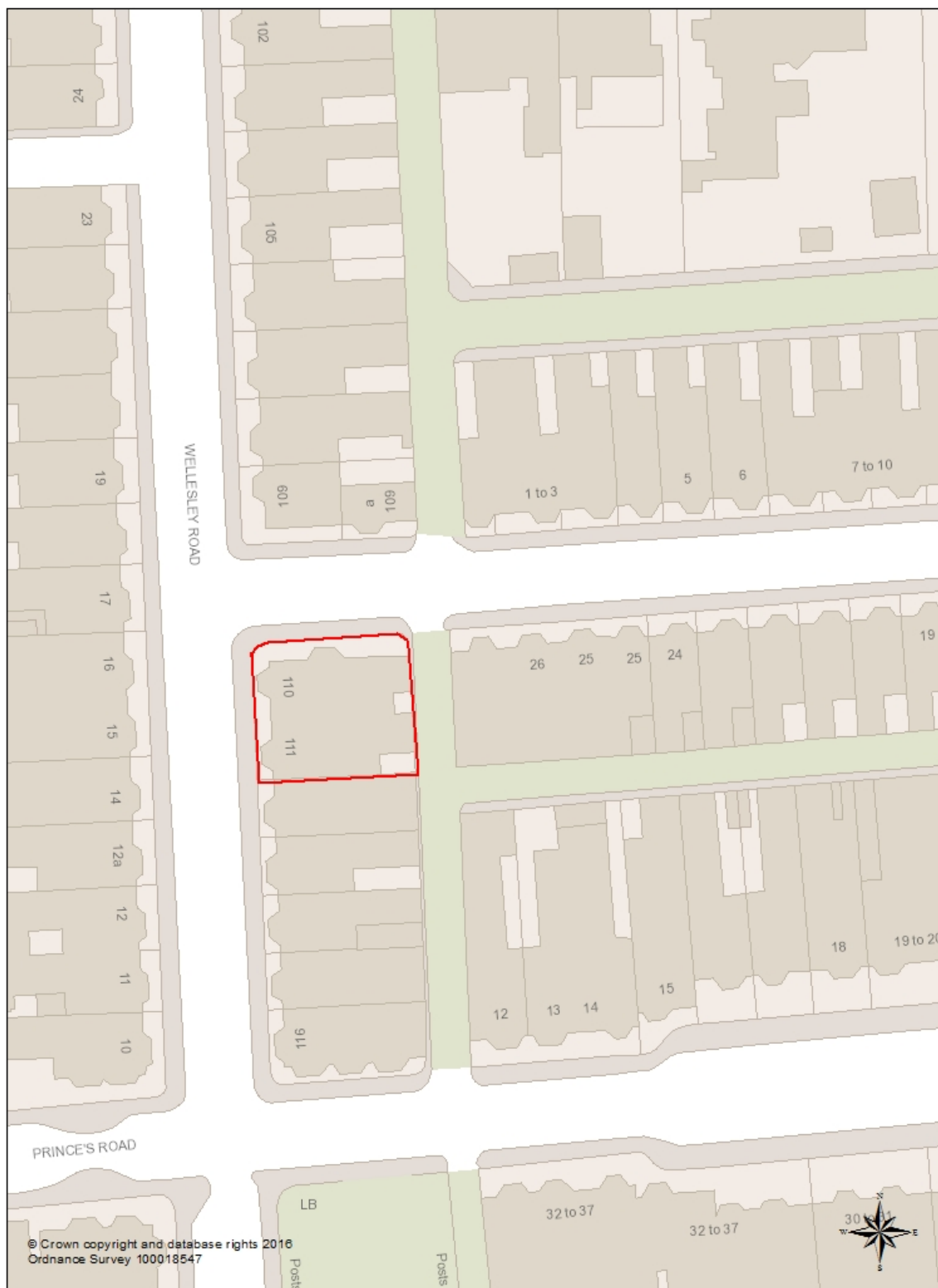
- 5.10** Due to the town centre location and close proximity to public transport links, some of the future tenants would use sustainable means of transport as has been indicated happens currently. However considering there is no space for the provision of secure cycle parking at the property, and a lack of off street parking as per saved policy HOU23 Part G requires, this issue goes towards the reason for refusal due to the potential impact upon the character of the area (vehicle movements) and lack of cycle parking.
- 5.11** The underlying issue which causes the most harm is that of poor quality accommodation and lack of amenity space for current and future residents. Currently the rooms function as bedsit without catering facilities and just 20.0m² communal amenity space for up to 18 residents. The proposal would see an increase in communal areas to 44m², in the form of a kitchen, diner and separate sitting room. It would also see the smallest rooms being removed.
- 5.12** However whilst there are no specific space standards for HMO bedroom sizes within the Councils planning policy, guidance set out in the governments Technical housing standards – nationally described space standard, the minimum size for a studio is 37m². The minimum size specified for single bedrooms (as part of a flat, not HMO) is 7.5m² and double room is 11.5m². All rooms would following the proposals exceed the 7.5m² minimum and some would exceed the 11.5m² double room standards. However as these rooms are en-suite the floor area of the bedroom are further reduced. The smaller rooms are reduced down to as low as 6.5m² not including ensuite bathrooms (room 11), with others being only fractionally larger (rooms 2, 7, 13 and 14). None of the rooms have any built in storage areas. HMO standards for environmental health set out a floor area of 6.5m² as a minimum.
- 5.13** Whilst each application is considered on its individual merits, and it is not possible to compare exactly between similar properties and proposals, the application at Southern Hotel, 46 Queens Street, Great Yarmouth covers comparable issues. The application was refused and dismissed at appeal on the basis of the size of rooms and quality of accommodation for residents as they had been considered by the inspector as being of an unacceptable standard. The room sizes are of a comparable size, and therefore the dismissed appeal (ref. APP/U2615/C/16/3151866) gives weight to the Councils assessment of these rooms being substandard in size and amenity.

- 5.13** The applicants have shown that the communal space would be increased to 44m². However the overall intensity of use of the dwelling with 14 people sharing this area, and having limited storage space and private living space would be unacceptable for permanent living. Therefore the property and use as a HMO are incompatible.
- 5.14** Whilst the current use is considered unacceptable, the Council has engaged with the applicant, and as with other similar buildings, if the property is not viable as a guest house, other potential options were raised, such as the possibility to convert the property to a lower number of flats, which would be a less intense development, and would provide adequate amenity space. The basement level flat would be considered in accordance with space standards and is not at risk from flooding.

6. Recommendation

6.1 Refusal

- 6.2** By virtue of the over intensive use of the building, lack of parking, storage or amenity areas for current and future residents, and the poor quality accommodation provided for residents the scheme would result in harm to the character of the area, upon the amenity of neighbouring residents, visitors and businesses, and provide inadequate amenity and accommodation for current and future residents. The current use of the site as a HMO is considered to be contrary to policy CS1, CS2, and CS3 of the Great Yarmouth Local Plan – Core Strategy and Saved Policies HOU23 of the Great Yarmouth Borough-Wide Local Plan and is therefore recommended for refusal.



Great Yarmouth Borough Council

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