

## Planning Officer's Report – LDCA NOVEMBER 2024

<b>APPLICATION</b>	<b>2024/31</b> – Proposed Change of Use from Residential Care Home to (HMO) House of Multiple Occupation
<b>PERMISSION SOUGHT</b>	Permission in <b>Full</b>
<b>REGISTERED</b>	8 <sup>th</sup> August 2024
<b>APPLICANT</b>	Property Division, St Helena Government
<b>PARCEL</b>	LWN0344
<b>SIZE</b>	0.45 acres (1891m <sup>2</sup> )
<b>LAND OWNER</b>	Crown Estates
<b>LOCALITY</b>	Barn View, Longwood
<b>ZONE</b>	Intermediate
<b>CONSERVATION AREA</b>	Longwood House (Partially)
<b>CURRENT USE</b>	Former Care Home
<b>PUBLICITY</b>	The application was advertised, in accordance with Regulations, as follows: <ul style="list-style-type: none"><li>▪ Sentinel Newspaper on 15<sup>th</sup> August 2024</li><li>▪ Sentinel Newspaper on 26<sup>th</sup> September 2024 (Revised drawings)</li><li>▪ A site notice displayed.</li></ul>
<b>EXPIRY</b>	29 <sup>th</sup> August 2024 & 10 <sup>th</sup> October 2024 (Revised drawings)
<b>REPRESENTATIONS</b>	Two Received
<b>DECISION ROUTE</b>	<del>Delegated</del> / <b>LDCA</b> / <b>EXCO</b> (If the Authority decide to refer)

### A. CONSULTATION FEEDBACK

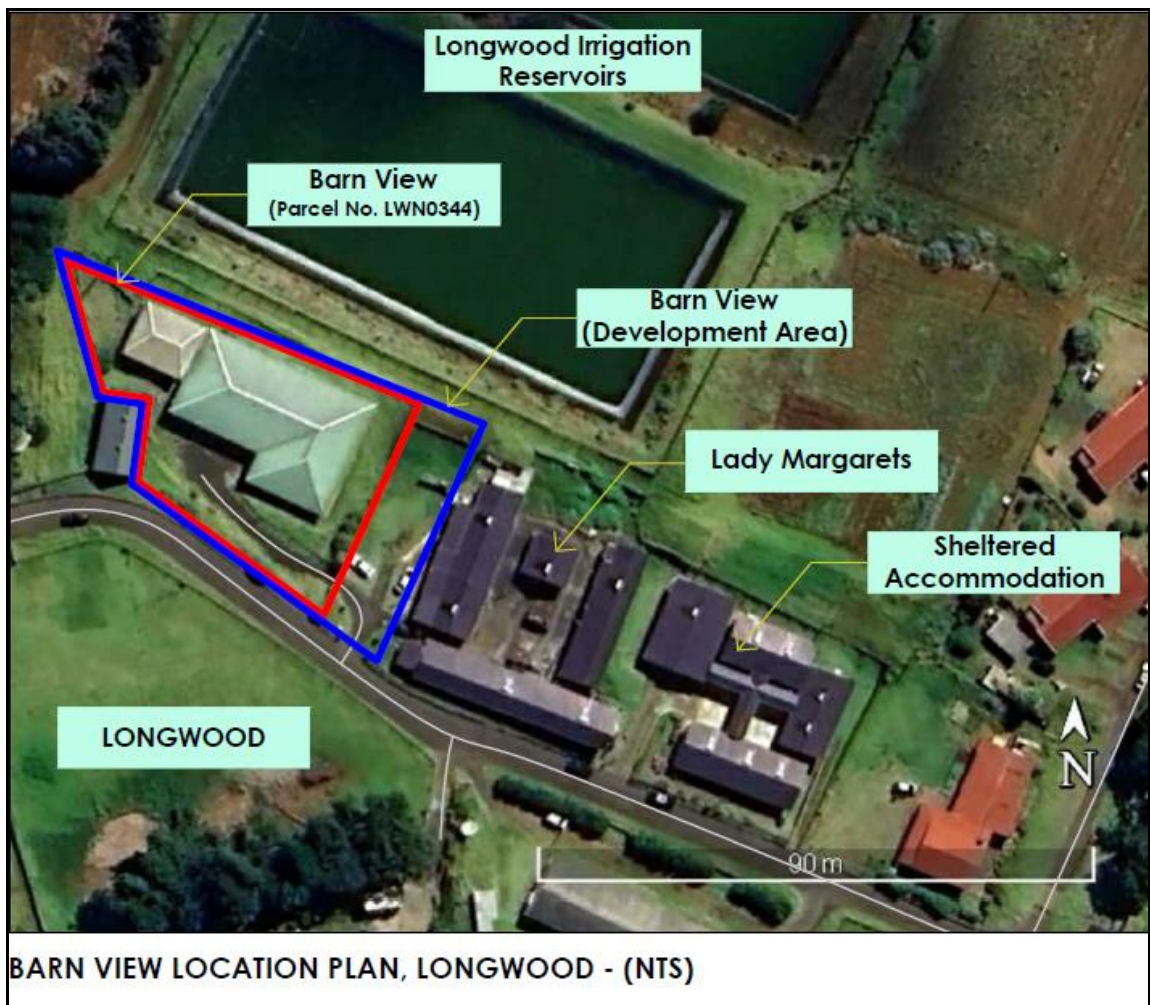
1. Sewage & Water Division	No Objection
2. Energy Division	No Response
3. Fire & Rescue	Comments
4. Roads Section	No Response
5. Property Division	The Applicant
6. Environmental Management	No Response

7. Public Health	No Response
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	Not Consulted
10. Aerodrome Safe Guarding	No Response
11. Economic Development	No Objection - Comments
12. National Trust	No Objection
13. Sure SA Ltd	No Objection
14. Heritage Society	No Objection - The Heritage Society has no heritage concerns on this proposed development
15. Maritime Authority	Not applicable

**B. PLANNING OFFICER'S APPRAISAL**

The site for this proposal is situated at the lower side of the road, north of Longwood House. The plot is designated within the Intermediate Zone. A small portion of the complex is within the Longwood House Conservation area.

**Diagram 1: Location Plan**



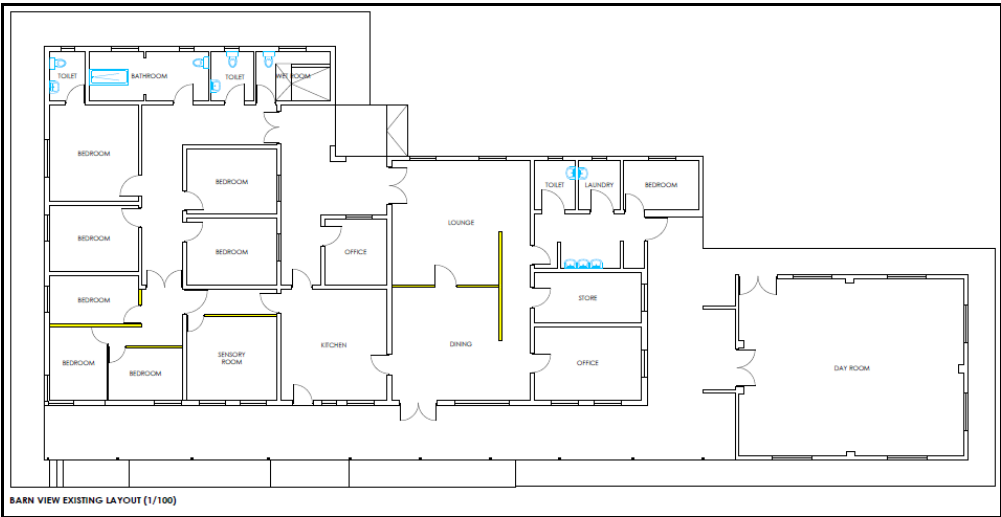
**PLANNING HISTORY**

Development permission was sought previously in 2020 (Ref No. 2020/05) requesting a change of use from residential care home to social housing comprising ten units of one bedroom accommodation. This application was referred to Governor in Council by the Land Development Control Authority with a recommendation to approve, however the application was subsequently withdrawn following a caution registered by the St Helena Disabled Persons Aid Society claiming an interest on being part of the community that fund-raised to building the property to provide full-time and respite care for the disabled and vulnerable. The caution would have prevented the proprietor from carrying out any development to the property. This caution was removed on 17<sup>th</sup> December 2020 by the Registrar of Land; however the Registrar did indicate that the SHDPA Society could seek higher legal recourse if it so wished; this does not appear to have been acted on due in part to the withdrawal of the proposal. It should be noted that financial/ownership matters lie outside of the planning remit and do not have any bearing on the assessment of this development application’s planning issues and the merits of the proposal.

**THE PROPOSAL**

Barn View is currently vacant and has been un-occupied since 2015 with its previous use being a residential care home (Use Class C2). The existing layout comprises eight bedrooms, two offices, a separate kitchen, lounge and dining area, three separate WC’s, single bathroom, wet room, laundry, sensory and dayroom. Access to the property is via a shared access that leads onto the main road above in front of Longwood House situated to the south.

**Diagram 2: Existing Floor Layout**





The applicant wishes to change the use of the building into a HMO, House of Multiple Occupation (Sui Generis – in a class of its own).

The originally submitted scheme comprised two-triple occupancy bedrooms, three double occupancy bedrooms, disabled access bedroom and two single occupancy bedrooms. Following an assessment of the proposal, the applicant was asked by officers to consider amendments to the scheme. The applicant submitted revised drawings to seek to overcome concerns raised in connection with providing suitable living arrangements by reducing the number of users within the bedrooms, and increasing privacy/reducing noise and disturbance for future occupiers' bedrooms close to proposed communal spaces.

The amended layout submitted consists of internal changes only with no impact on the external appearance of the building. The proposal would provide 8 bedrooms (3 singles, 4 doubles and a single/disabled access), showers, WCs, a disabled access wet-room, a laundry, communal spaces providing dining, kitchen and lounge areas. There will be an extension to the stud partition within the dining area to increase privacy for the users of the double occupancy bedroom on the western side. There will also be an office and a store room. An internal corridor will be formed.

The bedroom dimensions will be as follows:

- Double Occupancy Bedroom – 16.6m<sup>2</sup>
- Single Occupancy Bedroom – 11.4m<sup>2</sup>
- Single Occupancy Bedroom – 7.9m<sup>2</sup>
- Disabled Access Bedroom – 11.3m<sup>2</sup>
- Double Occupancy Bedroom – 11.9m<sup>2</sup>
- Double Occupancy Bedroom – 13.8m<sup>2</sup>
- Single Occupancy Bedroom – 10.4m<sup>2</sup>
- Double Occupancy Bedroom – 15.3m<sup>2</sup>

No changes are made to the arrangement for dealing with sewage as there is already an existing connection to the communal system.

With regards to parking, there is limited space within the property boundary with only two car parking spaces indicated, with the overflow shown within the shared parking area that was previously used by care accommodation staff which could be utilised if needed to the east on crown land. The location is also in close proximity to transport routes used by buses. It has been highlighted that the landlord would provide a seventeen-seater bus for occupiers to use along with cycle storage on-site.

## **STAKEHOLDER FEEDBACK & REPRESENTATIONS**

Below are representations received in a letter co-signed by three members of the public and a representation from The Equality and Human Rights Commission, as well as comments from stakeholders during the initial consultation period (A). A single representation was received with additional comments during the second consultation period (B) in relation to the revised proposal :

### **A. Initial consultation Period**

#### **Economic Development**

1. Economic Development Portfolio support this application for change of use. It is understood that once leased it will be utilised for housing key caring staff which will allow for increased care to be provided for the elderly in the CCC and elsewhere on St Helena.
2. Approval of this application will address the shortage of working age people on the island as likely many of the residents will be coming from overseas.
3. There is a lack of lower cost accommodation on the island. Allowing for this type of accommodation reduces the excessive expenses on lower income earners and creates a new model for accommodation on island, reducing inequality and increasing the living wage of low earners.
4. Supporting the project will allow for appropriate adaptive reuse of SHG property that will prevent further expenses on upkeep and prevent the property from falling further into disrepair.

#### **Fire & Rescue Services**

The St Helena Fire & Rescue Service will need to have sight of the plans for the purpose of installing passive and active firefighting media and any other relative health and safety issues.

#### **Chief Housing Officer**

The proposed bedroom sizes submitted within the plan met the requirements for single and double occupancy, which is stated in the Housing Strategy Manual quoting, one bedroom 7 square meters and double bedroom 12 square meters.

- Triple occupancy is not mentioned in this strategy, however if using the UK Regulations (UK Parliament) it specifies the below for multiple occupations:

- 6.51 m<sup>2</sup> for one person over 10 years of age, which equates to 19.53 m<sup>2</sup>

The plan submitted by the applicant offers triple occupancy at 16.5m<sup>2</sup> which is not an acceptable living space for three persons. Furthermore, the Housing Act 1985 would suggest that this is overcrowding as three persons would require 2 bedrooms, and you would require 110 sq ft or more for two persons.

Further input should be sourced from Human Rights and the Fire Department with respect to the triple occupancy.

### **The Equality and Human Rights Commission**

'The Equality & Human Rights Commission has some concerns about the above application.

There is no explanation as to the demographic of the occupants, so it is hard to comment in detail as we do not know who it is for.

There is no such category as HMO in our planning law and the introduction of UK law post 2007 is not allowed. If the HMOs come under policy, then this could be applied but it must be with Ministerial consent, they set policy.

It is proposed to use UK standards for the planning application but are UK tenants' rights and protections going to apply too, as these are not protected on island.

Plans show the room sizes unchanged, but they are very small, particularly those marked for triple occupancy and with limited space for storage of personal possessions etc.

The EHRC has concerns about privacy and human dignity due to the shared bathroom facilities and potential for mixed sex use.

Has thought been given to the cultural/religious sensitivities of the occupants.

There are very low levels of natural light and ventilation in some rooms.

The disabled bathroom is a long way from the bedroom door and could be difficult for an individual to manage on their own.

This building has been deemed unsuitable for use as a care home, and the facilities were described unacceptable and not protecting human dignity. This seems to be a retrograde step and a very poor standard of accommodation.

The EHRC would have been able to comment in more detail and possibly make positive suggestions if the purpose of the building had been made clear in the application.'

Further advice was received from EHRC and is attached as Annexure A.

**Letter (Signed by three members of the public)**

'We, the undersigned on behalf of the St Helena Disabled Persons Society wish to lodge and objection of the proposed change of the property know as Barn View, Longwood. The parcel of land identified as no 344 includes the Day Centre Building, so is therefore included in the application for change of use. However, we have been advised by the application does not include the Day Centre, which was built in 2005, by a donation from the estate of Michael Houghton for the provision of care for the disabled.

Barn View was purpose built to provide specialist residential and respite care for the Disabled People of our island was opened in 1988. This local endeavour, which began with fundraising in 1983, was recognised and supported by ODA and SHG with their contributions. (See below) On completion of the building SHG pledged to staff, equip, maintain and service the building for the use of disabled people. On opening of the building other St Helenian organisations like the RMS continued to support with regular contributions. This clearly was a cause which was and remains close the hearts of our people on and off island. Since the closure of Barn View, in 2015, care for the Disabled People has not been the same and there remains concern about respite care, which was reduced, removed or reinterpreted for regular users of this service. There remains a powerful argument that there exists a greater need for this provision now and into the future. These vulnerable people and their careers are now older and arguably more necessitating of this service. Basic humanity demands that this need be fulfilled. Society is judged by our attitude and how we care for the most vulnerable of our society, not just in the immediate instance the future too. This is a very real worry for families facing the situation now and the apprehension of an unknown future. In taking the facility out of public care there should be a requirement to justify why it is no longer suitable for now or in the long term future, for any form of public care and this should include a social impact assessment, in order to establish these facts on which a proper decision can be based. Given the ageing population and the attendant problems is currently experienced and the obvious worsening of this situation in future; it beggars belief that this facility will no longer be required as a care establishment. This does not demonstrate a long-term strategy or planning.

A previous application was made to change the use of the building to creating 10 social housing units. To which the undersigned filed an objection in March 2020. A Caution was also registered against the Land Registry Title of Property. The matter was heard in the Magistrates Court on three occasions and the caution was subsequently removed 19<sup>th</sup> April 2021.

A meeting held on 6 June, 2020 with representatives of the St Helena Disabled Society, the Chief Secretary and the Children and Adult Social Care Directorate, during which



the Chief Secretary confirmed that the following contributes to the construction of Barn View was as follows –

- ODA £40,000
- SHG £30,000
- St Helena Disabled Society £37,000 (from fundraising)

The Chief Secretary confirmed that these figures came from the St Helena News in 1988, which provided regular updates of the fundraising activities that took place at that time.

As has been established formally by the St Helena Government and shown above, the St Helena Disabled Society has a financial interest in the property, this respect we submit that no change of use should take place until this matter of the contribution of the financial support for the building that was raised by the community has been resolved; and the monies returned to the Disabled Society should be commensurate with the current of the property and should reflect the original sum raised by the society plus interest.'

[Officer comment: As indicated above any financial/ownership issues do not comprise planning matters/issues and are not for consideration in relation to the Development Application under the Land Planning and Development Control Ordinance; any such matters may need to be addressed in advance of any implementation of any approved development proposal]

## **B. Second Consultation Period on Revised Plans**

Following the consultation on the revised plans, a representation was received from one of the co-signatories of the objection reiterating previous comments and raising the following: 'I would like this comment to be read in conjunction with my previously submitted comment on this application for Barn View.

I seek to re-establish beneficial interest for local people but especially for the Disabled Persons Aid Society, of which I am a committee member. This was clearly established by the Chief Secretary in the Green Paper for ExCo for the 31st March 2020 as cited below.

7.2 "Barn View was built for a specific use as a facility for persons with disability including giving respite for parents taking care of such persons. This service was provided in conjunction with members of what was then the Public Health Department. A large extension was later added. The service and the later extension

was from money raised by the local people for the express purpose for people with disabilities and support for their families."

8.1 a) Barn View was built from money raised from the public with the specific use for persons with disability including giving respite for parents taking care of such persons and a large extension was later added with the express purpose for use by persons with disabilities.

b) Barn View has always been an establishment dedicated for the use of and for disabled people, as evidenced by the plaque and the building has been provided for the provision of care, help and support for disabled people and their families in the form of respite care;

c) The facility is an invaluable resource providing much needed support to increasingly older clients whose parents and main care providers need and the demand is likely to increase in Open Agenda This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts. The unauthorised possession or copying of the document may result in civil or criminal penalties. Future given the demographics of the Island and if this resource is removed it will likely put increasing strain on other institutions or care facilities;

d) Challenge the decision for the property to be handed over to the Property Division of the St Helena Government without consultation with the Disabled Persons Aid Society (DPAS);

e) authority for the purpose of providing Social Housing without first consulting with the main stakeholders in the property the DPAS and the general public;

f) provision for this facility and service has lapsed, possibly due to an oversight by the appropriate department, but the need is still there and hopefully could be considered at a future departmental policy review and converting Barn View to social housing would hamper this initiative while, at the same time, ignoring the generosity and commitment of the Island community in the not too distant past;

g) there may well be more social housing required but there are other vacant premises owned by SHG which could serve this need, particularly the former Longwood Infant School buildings and Sundale in Half Tree Hollow; h) this appears to be a land grab by SHG and suspect this has been suggested by a narrowly focused approach to community needs and involvement.

Although the application did not go to Exco the prepared documents were made public and the statement made by the Chief Secretary vindicates the claims made on behalf of the Disabled Persons Aid Society and on behalf of the people of the island.'

[Officer comment: As indicated above any financial/ownership issues do not comprise planning matters/issues and are not for consideration in relation to the Development Application under the Land Planning and Development Control Ordinance; any such

matters may need to be addressed in advance of any implementation of any approved development proposal]

## **POLICY CONSIDERATION**

The proposed development is assessed against the policies and guidance as set out below:

- Intermediate Zone: Policies IZ1 a, b, g)
- Social Infrastructure Policies SI1 a, b, SI.4, SI.12
- Housing Policies H1 a), b), H.9 & H.11
- Road and Transport: Policies RT7
- Built Heritage: BH1 c)
- St Helena Housing Strategy Manual 2015

## **OFFICER ASSESSMENT**

The main aims of this proposal are to bring the property back into productive use after a long period of vacancy and to seek to address a shortage of lower cost accommodation for Key Workers, in this case Nurses and Care Workers employed by SHG's Health and Social Care Portfolio.

### Principle of the proposed development

There is no specific Planning Policy relating to HMO-type accommodation, however officers have assessed this development application solely on the policies and guidance listed above.

Land Development Control Plan Policy SI.4 states that *'development permission will be granted for the expansion of Barn View, Longwood or for redevelopment of the Longwood First School site as a challenging behaviour/psychiatric unit to be run in tandem with Barn View.'*

The proposal would be contrary to Policy SI.4. However, the applicant advises that in considering the need for the existing type of development as a residential care home (Use Class C2) as the future expansion of Barn View has been superseded in the intervening period by the provision of suitable alternative accommodation at Ebony View and at Piccolo Hill, which has meant that Barn View has remained vacant for around 9 years. Officers consider that this alternative provision means that there is a material planning consideration which should be taken into consideration in deciding whether Policy SI.4 is no longer relevant in respect of Barn View expansion. Officer's advice that in their opinion, the Policy is not relevant in the circumstances indicated.

In considering the application for HMO-style accommodation, this is the first Development Application which has requested this type of residential accommodation. The Land Planning and Development Control Ordinance does not have a definition for a HMO, therefore as a proxy, a definition from the UK has been used by officers as follows:

**A house in multiple occupation (HMO):** *“is a property rented out by at least three people who are not from one ‘household’ (for example a family) but share facilities like the bathroom and kitchen.”*

Overall, there is a need for more affordable types of accommodation on St Helena in particular for those who are on lower incomes, such as nurses and care workers and where such workers are in demand. This proposal seeks to address this by providing shared accommodation. While shared accommodation is not traditional on St Helena, the proposed use is considered to meet an identified residential need. It is therefore considered that the proposed change of use is acceptable in principle in line with Policy H1: Primary Policy.

#### Proposed layout

In response to concerns raised in relation to the originally submitted scheme, the revised proposal has resulted in a reduction of the total number of occupants from fifteen down to a maximum of eleven people, with all triple occupancy bedrooms reduced to double occupancy, along with some double occupancy rooms to single. The applicants have also provided for any disabled tenant with a dedicated disabled access wet room and bedroom.

The extension to the existing wall within the communal dining area provides additional privacy and sound deadening to the double bedroom adjacent.

It is considered that the changes represent an improvement over the initial scheme and that the proposal now demonstrates compliance with the design standards listed within St Helena’s Housing Strategy Manual for minimum room sizes and number of occupants. Overall it is considered that the layout in general provides sustainable standards of domestic amenity by avoiding overcrowding in accordance with LDCP policy H1 b) iii).

#### Impact on the amenities of the surrounding area

Works to be carried out are all internal, therefore there will be no changes to the external appearance of the building, resulting in a neutral impact on the existing visual amenities and in respect of the setting of the Longwood House Conservation Area, such that it is considered the proposal is in compliance with LDCP policy BH1c).

### Parking/Transportation Issues

Given there is a lack of parking spaces available for this development, the applicant has demonstrated provisions to be put in place such as bicycle storage facilities and a dedicated bus service for tenants to negate the need for parking spaces. This is seen as a positive solution due to the lack of space available within the curtilage of the development. It is therefore considered the proposal is in compliance with LDCP policy RT7.

### Other factors

The applicants indicate that without any new use, the building will continue to deteriorate.

The building is currently capable of being returned to a suitable on-going productive use requiring maintenance/limited works. It is considered that the proposal would enable the re-use of an existing building in an urban location which results in the sustainable use of this building while helping to protect areas such as the Green Heartland and Coastal Zones.

- C. Referral to Governor in Council for decision:** It is for the Authority to make the decision as to whether the application is to be referred to Governor in Council in accordance with Section 23 (2) (b) (i) of the Land Planning and Development Control Ordinance, 2013. The Authority are required to decide whether *'granting the application would be inconsistent with a Development Plan but that there are material planning considerations which suggest that permission should nevertheless be granted.'*

If the Authority decides that the application should be referred to Governor in Council, recommendation A below should be agreed otherwise recommendation B should be agreed by the Land Development Control Authority.

It is the Chief Planning Officer's opinion that if members are minded to approve, that the application is referred to Governor in Council on the grounds that:

- i) the Land Development Control Plan has no specific policy relating to HMO-type accommodation and that this would set out a new Policy direction relating to alternative types of accommodation not previously developed on St Helena; and,
- ii) as Policy SI.4 reads *'development permission will be granted for the expansion of Barn View, Longwood or for redevelopment of the Longwood First School site as a challenging behaviour/psychiatric unit to be run in tandem with Barn View.'* As this proposal is not for the expansion of Barn View under its current use class, by granting this application it would be considered inconsistent with this particular policy within the development plan, however there are other policies and material considerations that demonstrate why permission should be granted.