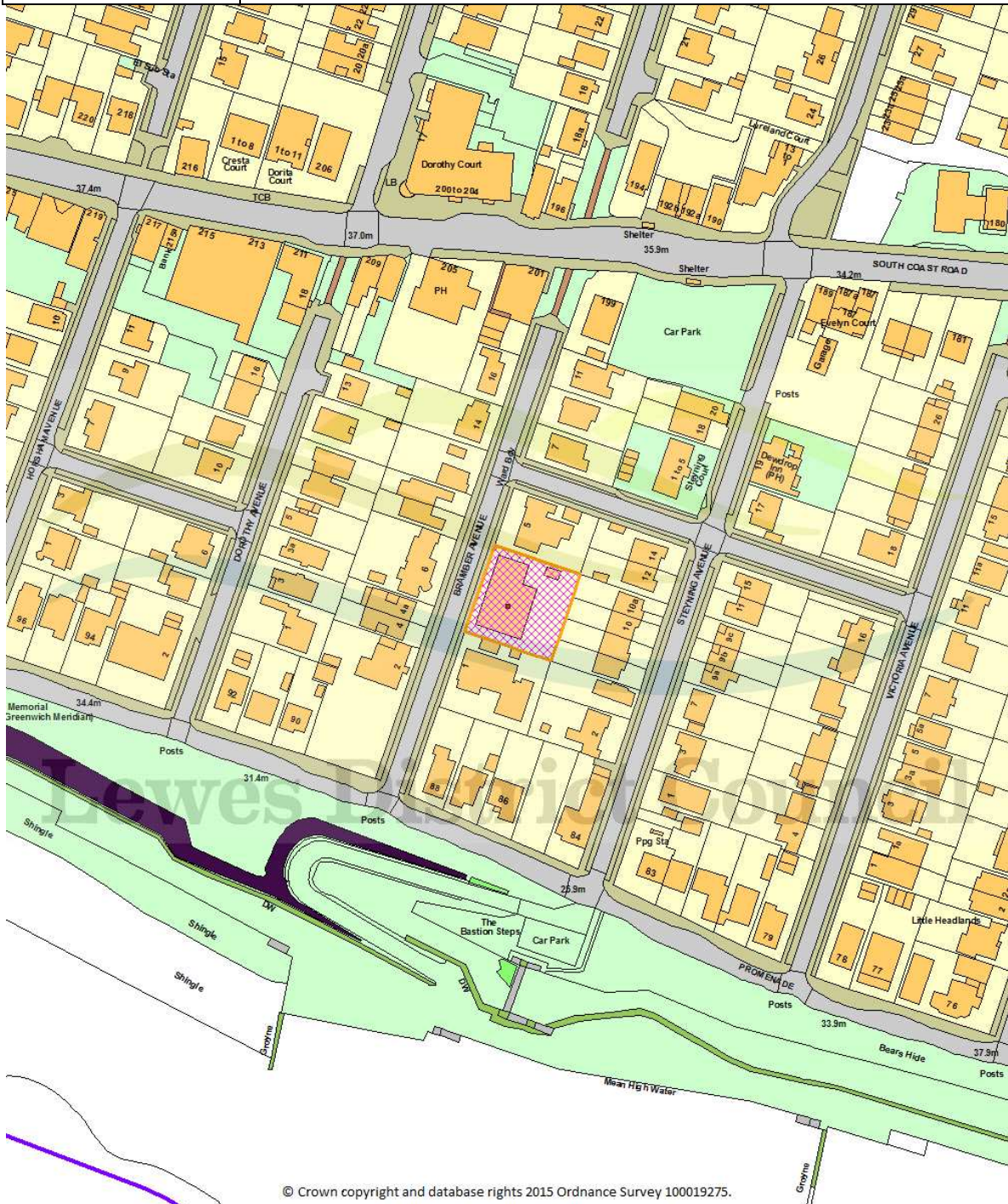


APPLICATION NUMBER:	LW/17/0494	ITEM NUMBER:	7
APPLICANTS NAME(S):	BNM Parkstone LLP	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Change of use from nursing home to House in Multiple Occupancy for up to 14 persons together with a self-contained flat to be used as manager's accommodation.		
SITE ADDRESS:	3 Bramber Avenue Peacehaven East Sussex BN10 8LR		
GRID REF:	TQ 41 00		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a large two-storey detached property on the eastern side of Bramber Avenue, near to the clifftop and within the Planning Boundary of Peacehaven. The property is set at lower level than the street and has a car park and a small garden at the rear. The building has a gable feature to the principal elevation, with black-painted exposed timber detailing. There is accommodation within the pitched and hipped roof, evidenced by flat roof dormer windows and a top window within the gable feature to the front elevation. The building is finished in a white-painted stippled/textured render and the windows are white PVCu. The building is not Listed and is not situated in a Conservation Area.

1.2 The building has until recently been used as a nursing/care home which had 19 rooms and which was closed in 2016.

PROPOSAL

1.3 The application seeks planning permission for a change of use of the building from a nursing home (Use Class C2) to a House in Multiple Occupation (HMO) having 14 letting rooms (Sui Generis land use).

1.4 The seven car parking spaces behind the building will be retained and an additional 16 spaces for cycle parking will be provided. Two car parking spaces for staff are proposed to the side of the building.

1.5 The existing nursing home layout comprises 17 bedrooms with office space on the top floor, although the applicant states that the nursing home provided 19 bedrooms and was registered to accommodate up to 21 persons. The proposed HMO will comprise 8 rooms on the ground floor (6 with en-suite) and 6 rooms on the first floor (all with en-suite) making a total of 14 rooms.

1.6 There will also be a lounge, kitchen and shared bathroom on the ground floor, and, on the top floor, an office and a 1-bedroom self-contained flat for manager's accommodation.

1.7 The application is a revised submission following the refusal of a previous planning application, LW/17/0156, for the change of use of the nursing home to an HMO with 22 letting rooms. The reason for refusal was as follows:-

"The proposed development will lead to a significant intensification of the use of the land when compared with the former use, more frequent movements to and from the site, and broader levels of domestic activity throughout the building and throughout the day, resulting in a use which is not appropriate in nature and character in respect of the prevailing ambience of the locality as a relatively quiet and tranquil environment characterised primarily by single family dwelling units. The development will therefore irreversibly alter the character of the locality and have a harmful impact on neighbour amenity, contrary to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012."

1.8 The revised application no longer includes the previously proposed first floor level extension to the front of the building which would have enclosed the existing roof terrace.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

LW/17/0156 - Change of use from nursing home (C2) to House in Multiple Occupation (Sui Generis) with 22 letting rooms and erection of first floor front extension to replace front roof terrace - **Refused**

LW/89/2170 - Extension to provide extra bedrooms for dual registered nursing/residential care home for owner occupation. - **Approved**

LW/86/1332 - Section 32 Retrospective application for continued use of property as a rest home for the elderly and alterations to the building - **Approved**

E/54/0584 - Planning and Building Regulations Applications for proposed entrance porch. Building Regs Approved. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council – Refusal Recommended due to:-

- o This is a quiet residential area, occupied mainly by retired residents, an HMO is not appropriate in this location
- o Inadequate local infrastructure - including A259, surgeries, school
- o Effect on local character - surrounding area included
- o Absence of adequate car parking facilities - provision for pedestrians, wheelchairs and prams
- o Increase of traffic, congestion and air pollution
- o Exacerbate existing parking problems

ESCC Highways – No objection subject to the imposition of conditions

British Telecom – Dear Lewes Planning Team

Please advise the applicant that plans of their proposals should be submitted to Openreach using the Registration process outlined on this Website:

http://www.ournetwork.openreach.co.uk/property-development.aspx?utm_source=furl-newsites&utm_medium=site&utm_campaign=Openreach-furl-newsites

This will ensure that new residents have access to services provided via the Openreach Network, and check that any changes to the site don't affect existing Openreach apparatus.

I write in response to your letter dated 14th June regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels. To check the location of BT's network, enquiries should be made direct to the Openreach Maps by Email Service which can be found at the following URL:
<http://www.openreach.co.uk/orpg/home/contactus/avoidingnetworkdamage/avoidingnwdamage.do>

Natural England – 4.6 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended) Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Brighton To Newhaven Cliffs SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Sussex Police – Thank you for your letter of 14 June 2017, advising me of an application for a change of use from nursing home to House in Multiple Occupancy at the above premises, to provide 14 letting suites and managers accommodation, for which you seek comment from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Lewes district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I refer to my previous letter reference DD/LEW/17/03/A of 20 March 2017, in which I was able to comment on the earlier refused application for this site (LW/17/0156). In those comments I voiced concerns over the impact the proposals might have on the neighbourhood and also on the provision of car parking.

This revised application has now significantly reduced the number of letting suites to 14, with the emphasis on single occupancy. In addition, provision has also been made for a Managers accommodation to allow for 24/7 supervision of the site. I also take note of earlier comments from East Sussex County Council Highways regarding car parking provision in and around the site. Accordingly, my earlier concerns have been addressed and I have no objection to approval.

I refer the applicant to our website at www.securedbydesign.com and follow the link to Industry Advice and Guides. The design guide SBD Homes 2016, paragraphs 27 - 31 gives advice on physical security measures specific to buildings containing multiple dwellings or bedrooms, including HMO's.

Southern Water Plc – Thank you for your letter of 14/06/2017.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please be aware that the property is already built over an existing public sewer and any changes to the building foundations will require Southern Water approval. The applicant is advised to contact Southern Water.

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: "Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding." Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

ESCC SUDS – No Objection

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations have been received from 178a Roderick Avenue North; 2 and 6 Steyning Avenue; 88 The Promenade; 2, 4, 4a, 5, 7 and 11 Bramber Avenue, objecting to the application for the following reasons:-

- o Drainage and sewers
- o Lack of infrastructure such as surgeries and schools
- o Living rooms may be sub-let leading to more inhabitants
- o The HMO could be occupied by up to 30 people (28 in bed-sites) and 3 or more staff.
- o There are few opportunities for professionals to find work in Peacehaven
- o Noise and disturbance such as music
- o Intensification of the use of the land
- o Increased levels of domestic activity
- o Damaging to quality of life
- o Comings and goings at all hours
- o Out of character
- o Quiet residential road
- o Parking issues
- o Highway hazards
- o More traffic/congestion on the A259
- o More violence on the A259
- o No reference to means of escape or emergency lighting
- o Fire risk
- o The number of kitchens is insufficient
- o No evidence that the care home is no longer feasible
- o Not clear who will live in the HMO
- o Security concerns
- o Contrary to policy

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of the change of use; the impact on amenity; accessibility and sustainable transport.

Principle

6.2 A sufficient supply of housing of all tenures, including affordable housing, is essential to meet the objectives of the Core Strategy and to meet the wide range of housing needs that will be experienced in the district over the plan period as far as sustainably possible.

6.3 Both care homes and Houses in Multiple Occupation are recognised as having important roles to play in providing a full range of residential accommodation within the district. As such the applicant must be able to demonstrate that the former care home use is no longer viable, providing evidence from the Care Quality Commission (CQC) that the care home does not meet current standards and cannot reasonably be adapted to meet current standards; evidence from ESCC Adult Social Care to state that the care home is no longer needed, giving reasons and agreeing to the managed loss of the care home to an alternative use; and details of marketing to demonstrate that the use as a care home is no longer feasible financially.

6.4 In this instance the applicant has submitted copies of letters from the Care Quality Commission where the CQC has decided to cancel the registration of the premises, although no specific reason for this is given. The application has not been submitted with a statement from ESCC Adult Social Care but details of marketing by a specialist firm that deals with nursing homes has been submitted. As there is no specific planning policy requirement to allow the loss of care home, and as HMO accommodation is also required within the district, the change of use is considered to be acceptable in principle subject to the need to safeguard the character of the locality and the amenities of the local residents

Amenity

6.5 The representations received are acknowledged and have been taken into consideration. The former use of the building incorporated 19 rooms as a care home whereas the current application seeks 14 letting rooms. The concerns of neighbouring residents in respect of the rooms being occupied by more than 1 person are acknowledged, but the HMO will need to be Licensed by the Council's Environmental Health team, and an enforceable limit will be incorporated into the HMO Licence. In addition, a planning condition could be used to ensure that the HMO is not occupied by any more than 14 persons - this is common practice, and the number of persons to be accommodated within the proposed HMO is also stipulated in the description of the development.

6.6 The immediate locality is relatively quiet and is predominantly characterised by bungalow dwellings, and these are well spaced apart and few in number. However, the site is short distance from the busy A259 South Coast Road and there is a supermarket and a number of restaurants and takeaways a short distance from the application site.

6.7 The proposal to convert the building into an HMO may lead to an increase in levels of activity, comings and goings, but this is a large building and the applicant has demonstrated that the care home use is no longer viable. As such, viable alternative uses that make the most effective and efficient use of the building should be sought and in this instance an HMO is considered to be acceptable and should not give rise to an unacceptable degree of harm to neighbour amenity provided it is well managed. In this regard the 24 hour supervision by an on-site manager, with quarters on the top floor, will

help to mitigate any potentially harmful impact on neighbour amenity, for example noise and/or loud music.

Accessibility and Sustainable Transport

6.8 The application site is very accessible situated on the South Coast Road (A259) which has frequent bus services east and west to Brighton and Eastbourne. Future residents will not need to be reliant and dependent on the use of a private car for their day-to-day needs and the applicant has demonstrated, to the satisfaction of the highway authority, that car ownership among HMO residents is relatively low when compared to other types of dwelling unit, and that the provision of 7 car parking spaces within the site should be sufficient to meet likely demand.

7. RECOMMENDATION

In view of the above, approval of the application is recommended.

The application is subject to the following conditions:

1. The House in Multiple Occupation (HMO) hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking and manoeuvring of motor vehicles used by occupants of and visitors to the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Prior to the occupation of the House in Multiple Occupation (HMO) hereby permitted, full details of the facilities for secure cycle storage shall be submitted to and approved in writing by the local planning authority. Each cycle parking facility shall provide Sheffield type stands allowing for secure storage of cycles by frame and wheel, together with shelter. The development shall be implemented in accordance with the approved details and the cycle parking facilities shall be retained thereafter for the use of residents of, and visitors to the development.

Reason: In order to encourage the use of sustainable transport and minimise dependence on private car use in the interests of the environment and the amenity of the area in accordance with Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

3. The House in Multiple Occupation (HMO) hereby permitted shall not, with the exception of the self-contained manager's accommodation, be occupied by more than 14 residents at any one time, unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the amenities of the locality and enable the local planning authority to monitor and control the intensity of the use in the interests of preserving the character of the area and the amenities of local residents, in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Policy contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

4. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 June 2017	
Location Plan	7 June 2017	1103.01A
Existing Block Plan	7 June 2017	1103.01A
Existing Floor Plan(s)	7 June 2017	1103.02A
Existing Floor Plan(s)	7 June 2017	1103.03B
Existing Floor Plan(s)	7 June 2017	1103.04B
Existing Floor Plan(s)	7 June 2017	1103.05B
Existing Roof Plan	7 June 2017	1103.06B
Existing Elevation(s)	7 June 2017	1103.07B
Existing Elevation(s)	7 June 2017	1103.08B
Location Plan	7 June 2017	1103.09C
Proposed Block Plan	7 June 2017	1103.09C
Proposed Floor Plan(s)	7 June 2017	1103.10
Proposed Floor Plan(s)	7 June 2017	1103.11C
Proposed Floor Plan(s)	7 June 2017	1103.12C

Proposed Floor Plan(s)	7 June 2017	1103.13C
Proposed Roof Plan	7 June 2017	1103.14B
Proposed Elevation(s)	7 June 2017	1103.15B
Proposed Elevation(s)	7 June 2017	1103.16B
Additional Documents	7 June 2017	MARKETING INFORMATION