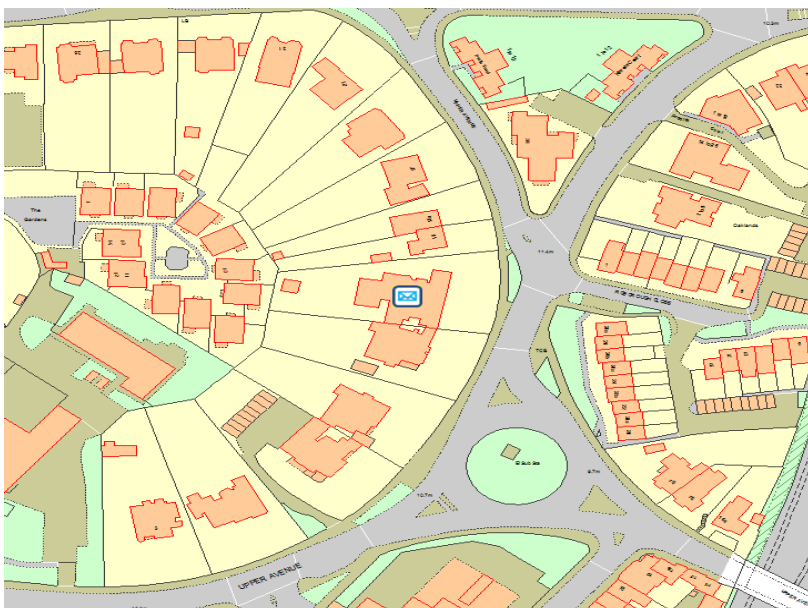


<b>App.No:</b> 190127 (PPP)	<b>Decision Due Date:</b> 7 June 2019	<b>Ward:</b> Upperton
<b>Officer:</b> Neil Collins	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 28 March 2019 <b>Neighbour Con Expiry:</b> <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> 13 Upper Avenue, Eastbourne		
<b>Proposal:</b> Change of use from Class C2 Residential Care Home to a Sui-Generis HMO for no more than 26 persons with associated parking and cycle and bin storage		
<b>Applicant:</b> Mr Naveed Ali		
<b>Recommendation:</b> Approve with conditions		

**Contact Officer(s):**      **Name:** Neil Collins  
**Post title:** Specialist Advisor - Planning  
**E-mail:** neil.collins@eastbourne.gov.uk  
**Telephone number:** 01323 410000

### Map location



## **1 Executive Summary**

- 1.1 This application is brought back to the Planning Committee following its previous consideration at the meeting on 25th June 2019.
- 1.2 The Committee resolved to defer the application for consideration at a future Planning Committee meeting, with the stipulation that Officers negotiated the following amendments to the scheme:
  - A reduction in the maximum number of individuals living within the proposed HMO;
  - The incorporation of dedicated managers accommodation; and
  - The provision of a communal living room for the occupants of the building.
- 1.3 The applicant has agreed to the amendments and amended plans have been received, which include the changes above. A manager's live-in apartment has been created beside the manager's office as a self-contained unit at the front of the building. This is considered to be an effective location to manage any potential noise disturbance from activity associated with the building. A communal living area has also been created in a location next to shared kitchen/dining/laundry spaces. This would provide residents with an alternative communal area and would be an improvement in the standard of proposed housing accommodation.
- 1.4 Creation of the manager's apartment and communal living room would result in a loss of 3 double occupancy bedrooms (6 persons). Together with an additional change of 2 double-occupancy bedrooms to single occupancy (loss of 2 further persons), the resulting total occupancy would be reduced to 26 persons; a reduction of 8 compared to the scheme previously considered by the Committee. This capacity has been reflected in the amended Proposal Description and is controlled through the imposition of a dedicated condition.
- 1.5 Officers consider that the proposed amendments would result in a managed development that would provide a high quality for this type of housing accommodation, which would both provide for the needs of future occupants of the building and protect the residential amenity of neighbouring occupants.
- 1.6 Since the application was considered by the Committee, no further representations have been received in respect of the application.
- 1.7 It should be noted that the following report remains unchanged from that which has already been considered by the Committee, in the interest of transparency in the decision making process.

## **2 Relevant Planning Policies**

- 2.1 National Planning Policy Framework
- 2.2 Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods  
C2: Upperton Neighbourhood Policy  
D1: Sustainable Development  
D5: Housing  
D10a: Design

### 2.3 Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone  
NE18: Noise  
UHT1: Design of New Development  
UHT4: Visual Amenity  
HO1: Residential Development Within the Existing Built-up Area  
HO2: Predominantly Residential Areas  
HO3: Retaining Residential Use  
HO7: Redevelopment  
HO14: Houses in Multiple Occupation  
HO20: Residential Amenity  
TR6: Facilities for Cyclists  
TR7: Provision for Pedestrians  
TR11: Car Parking  
US4: Flood Protection and Surface Water Disposal

## 3 **Site Description**

- 3.1 The application site is a large plot on the northern side of Upper Avenue and comprises a substantial two-storey residential building, which is currently vacant but last in use as a Care Home.
- 3.2 Upper Avenue is residential in character, comprising large residential buildings sited on substantially sized plots with open and verdant rear garden areas. The site backs onto a residential development known as 'The Gardens', which comprises a number of single-storey bungalow style dwellings.
- 3.3 The site does not comprise any listed buildings, nor is the site located within any designated conservation area or an Area of High Townscape Value.

## 4 **Relevant Planning History**

- 4.1 090004  
Construction of 10 two bedroom sheltered bungalows, and 4 two bedroom sheltered maisonettes, together with revision of existing car park layout to provide access to the site and seven new parking spaces plus battery car storage, cycle store and new bin store.  
Planning Permission  
Approved conditionally  
20/03/2009
- 141546  
Proposed demolition of garden wall and creation of new parking area and crossover  
Householder

Approved conditionally  
28/01/2015

160539

Approval of details reserved by condition 5 (Materials) of planning permission proposed demolition of garden wall and creation of new parking area and cross over 141546.

Approval of Condition  
Discharged  
01/06/2016

171469

Changing from Tredegar Care Home to HMO with associated alterations  
Planning Permission  
Withdrawn

950003

Erection of a two-storey annexe at rear to provide 8 bedrooms.  
Planning Permission  
Refused  
20/04 / 1995

950017

Erection of part single-storey extension, part first floor addition/two-storey extension at rear.  
Planning Permission  
Approved conditionally  
17/08/1995

960013

Change of use of part of the sports and social club to an audiology department.  
Planning Permission  
Approved unconditionally  
20/05/1996

960175

Change of use of first floor from nurses residential accommodation to office accommodation (Class B1).  
Planning Permission  
Approved conditionally  
11/09/1996

980168

Temporary storage of building materials for construction site adjacent.  
Planning Permission  
Approved conditionally  
15/07/1998

980376

Change of use of second floor from nurses accommodation to office and continued use of first floor as offices without complying with Condition 1 of EB/9 6 /0330 (use

to be discontinued on or before 30 September 2001).  
Planning Permission  
Approved conditionally  
30/10/1998

980550  
Display of two double-sided non-illuminated signs.  
Advertisement  
Approved conditionally  
16/03/1998

## **5 Proposed development**

- 5.1 The application seeks permission to change the use of the existing building from a Care Home to a large HMO with 17 separate bedrooms (falling within the Sui Generis Use Class) distributed over 3 floors. The accommodation would comprise communal kitchens, dining rooms and laundry room on the ground and first floors.
- 5.2 The application proposes some minor external alterations to the fenestration on the southern side of the building, including the creation of a door to the laundry room and alteration of an existing door to provide a window to Bedroom 4. Also proposed is a timber refuse/recycling enclosure, which would be located at the front of the site, together with a marked out car parking area comprising off-street parking for a total of 8 cars and 5 motorcycles within the existing private forecourt area.

## **6 Consultations**

- 6.1 Specialist Advisor (Private Housing):
- 6.1.2 No objection to the proposal.
- 6.2 ESCC Highways:
- 6.2.1 No objection to the development.
- 6.3 Sussex Police Secured By Design:
- 6.3.1 No objection to the proposal

## **7 Neighbour Representations**

- 7.1 Five letters of objection has been received following public consultation:
- Loss of care facilities;
  - Precedent for future proposals;
  - Noise disturbance;
  - Parking;
  - Shortfall in internal space standards;

- Security concerns;
- Management of the property as a HMO

7.2 Only comments that concern material planning considerations can legitimately be considered in determination of this planning application.

## **8 Appraisal**

### **8.1 Principle of development:**

8.1.1 The existing building is currently in residential use and is located within an area that is identified within the Eastbourne Borough Plan as being predominantly residential. Policy HO2 of the Borough Plan states that 'in order to ensure that at least 60% of homes are built on previously developed land or through conversions and changes of use planning permission will be granted for residential schemes in the areas identified on the Proposals Map as predominantly residential areas.

8.1.2 Policy HO14 of the Borough Plan directs that 'planning permission will be granted for the establishment and retention of Houses in Multiple Occupation (HMOs) provided they comply with residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE28.' These policies relate to impacts on residential amenity, the character of the surrounding area and environmental impact. The proposal will be assessed against all of these criteria below.

### **8.2 Impact of proposed development on amenity of adjoining occupiers and surrounding area:**

8.2.1 No external alterations are proposed for the existing building other than a small alteration to an external door to Bedroom 4 to provide a window for improved security and to provide an external door to the laundry room on the southern elevation to provide access to the external drying area. It is not considered that the proposal would give rise to any amenity concerns in terms of loss of light, outlook or privacy or be overbearing upon neighbouring occupants.

8.2.2 The existing dwelling is substantially sized and the proposal would result in a 17 bed property. The bedrooms would be large enough for double occupancy and, as such, would allow for up to 34 occupants in total within the building. Whilst this potential number of occupants is high, the building is of considerable size, as are other buildings in the vicinity. The density of residential accommodation in the area is high, as many buildings comprise flatted accommodation, or other similar high occupancy uses. As such, it is not considered that the proposed use would lead to noise or other disturbance in the context of the existing area. The previous use of the building as a care home involves a degree of activity associated with staff and visitors. However, the change from a care home to a large HMO with many unrelated individuals could result in some disturbance if not adequately managed. Therefore, it is considered reasonable to attach a condition requiring a management and maintenance plan to be submitted and approved in order to ensure occupants of adjoining dwellings are not subject to noise disturbance.

8.2.3 It is considered that the proposal complies with Policy HO20 of the Eastbourne

Borough Plan Saved Policies (2007).

8.3 Living conditions of future occupants:

8.3.1 All bedrooms within the proposed HMO would far exceed the minimum internal floor space set out in the Technical housing standards – nationally described space standard. The room sizes also meet the requirements of Eastbourne Borough Council's Standards for Houses in Multiple Occupation as well as the draft Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations (2018), both of which require that the minimum floor area of a double occupancy room is 10.22m<sup>2</sup>.

8.3.2 All rooms are served by windows and/or rooflights that would provide adequate levels of natural light and ventilation. The residents of the building would have access to a good proportion of communal amenity space, both inside and outdoor. The communal spaces, which comprise large kitchen and dining areas, would be provided at a ratio of approximately 1 communal area to 4 bedrooms. This is considered to be a good level of provision for the intended occupancy.

8.4 Impact on the character of the surrounding area:

8.4.1 In terms of general character, the area is comprised of a variety of buildings, including single family dwellings, large multi-dwelling buildings and other uses such as care homes, with which the proposed HMO would be in keeping.

8.4.2 The proposal would involve very minor external alterations to the building, including small alterations to a door and window on the southern side of the building, which would not have any significant impact upon the appearance of the building in general. The only other external alterations would be within the forecourt area to the front of the site, to provide an enclosure for refuse and recycling facilities. The proposed alterations are not considered to have any significant impact upon the appearance of the building and, in terms of the refuse enclosure, would improve the visual appearance of the building through minimising the clutter of refuse containers.

8.4.3 As previously mentioned, given the nature of the use of the building and the turnover in occupants that is characteristic of HMOs, a condition would be attached to any approval requiring the submission of a management and maintenance scheme for the property that would thereafter be adhered to in order to ensure the building remains in a satisfactory condition and visual appearance, in the interest of the character of the area.

8.4.4 It is therefore considered that the proposal is in accordance with Policy UHT4 of the Eastbourne Borough Plan Saved Policies (2007).

8.5 Impacts on highway network or access:

Parking:

8.5.1 The existing property currently provides an off-street parking area, although parking spaces are unmarked.

8.5.2 In accordance with the ESCC parking demand calculator, 17 units would require 10 parking off-street parking spaces. However, this proposal is likely to be for rental accommodation and the level of car ownership associated with the site is highly likely to be lower than for privately owned accommodation. In addition, according to 2011 census data, 74% of people who live in studio accommodation in Eastbourne do not own vehicles. Therefore, utilising this percentage, it is likely that 3 spaces would be required for a total of 17 bedrooms.

8.5.3 The submitted plans propose a total of 8 parking spaces and 5 motorcycle spaces within the existing private forecourt area. As such, taking into account the above considerations, the proposed provision would meet the demands of the development. A condition has been attached requiring that on-site spaces are marked out in accordance with the plans prior to first use of the development.

Cycle storage facilities:

8.5.4 The Council's policy TR2 (Travel Demands) seeks a balance between public transport, cycling and walking to meet the transport demands of proposed development. The application does not include details of cycle storage facilities for the development, but the site is substantial and can accommodate suitable facilities in a secure and covered enclosure in accordance with adopted policy.

8.4.5 A condition will be attached to ensure covered and secure cycle parking is provided on site in order to encourage the use of cycles for transport and discourage car ownership.

8.4.6 It is therefore considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).

8.5 Other matters:

8.5.1 Refuse/Recycling storage facilities:

The application provides details of refuse/recycling storage facilities within a dedicated facility at the front of the site. The proposed facilities would be large enough for the intended occupancy and a condition has been attached to ensure that they are provided prior to first occupation of the building.

8.5.2 It is recognised that the proposal would require the approval of the Councils Licensing Department, notwithstanding this it is acknowledged that informally we are advised that the layout and scale of the conversion would meet with their approval.

## **9 Human Rights Implications**

9.1 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.



## **10 Recommendation**

### **10.1 Grant planning permission subject to the following conditions:-**

1) The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Proposed Plans – SK02 Rev C, received 9<sup>th</sup> July 2019;
- Proposed Site Plan and Elevations – SK03 Rev A, received 22<sup>nd</sup> May 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) No more than 26 persons shall live at the property at any one time.

Reason: To prevent an over-intensification in the residential use of the site in the interest of the amenity of neighbouring occupants and the character of the area.

4) The HMO accommodation, hereby approved, shall not be occupied until a Management and Maintenance Plan, including internal and external areas and management in the event of disturbance or emergency, has been submitted to and approved by the Local Planning Authority. Thereafter, the approved Management and Maintenance Plan shall be strictly adhered to while the property is in use as a HMO.

Reason: In order that the future occupiers are made aware of their responsibilities for ensuring adequate standards of visual appearance and to preserve the character of the surrounding area

5) The development, hereby approved, shall not be occupied until details of secure covered cycle parking facilities for a minimum of 17 bicycles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the details approved prior to first occupation of the development hereby permitted and shall thereafter be , for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

6) Refuse and recycling facilities shall be provided in accordance with approved plan numbers; SK 03 Rev A and SK 02 Rev C prior to first occupation of the development, hereby approved, and retained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory facilities for refuse and the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

7) The development, hereby approved, shall not be occupied until drawings showing a revised parking layout have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be marked out in accordance with the approved details prior to first occupation of the development, hereby approved, and shall be retained solely for the parking of motor vehicles for the lifetime of the development.

Reason: In order to ensure that the parking demands of the development are met without significant impacts upon the transport network.

**Informatives:**

1) The applicant is advised that a HMO license is required for the approved use from the Council's Housing department, who are aware of this planning decision.

**11 Appeal**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.