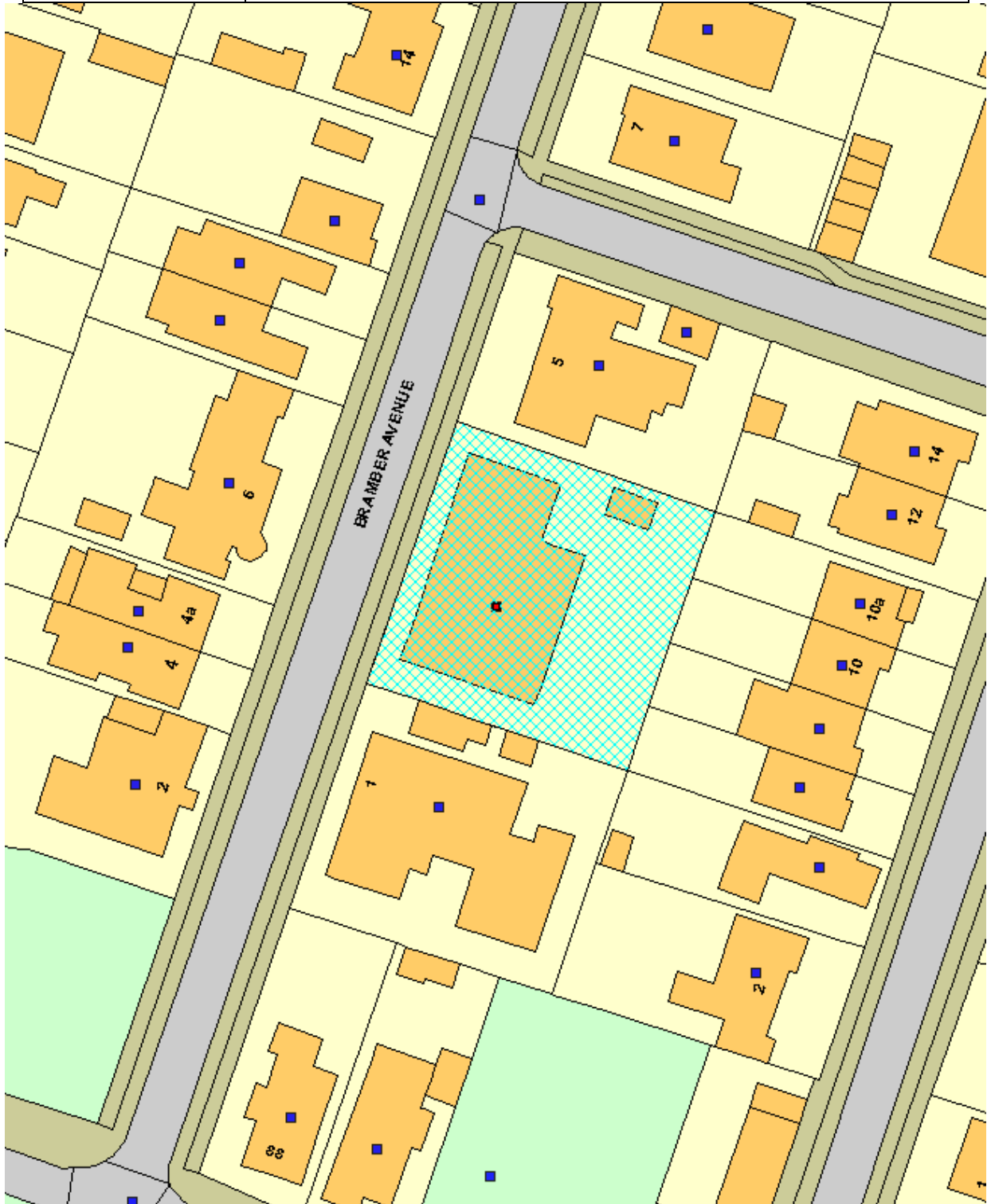


APPLICATION NUMBER:	LW/19/0857		
APPLICANTS NAME(S):	BNM Parkstone LLP	PARISH / WARD:	Peacehaven / Peacehaven West
PROPOSAL:	Planning application for Section 73A retrospective application for the conversion from HMO and manager's flat to 18 self-contained flats (including manager's flat)		
SITE ADDRESS:	3 Bramber Avenue, Peacehaven, East Sussex, BN10 8LR		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

Site description

1.1 The application site is located on the east side of the southern section of Bramber Avenue, Peacehaven, within the planning boundary and comprises a large, two storey plus partial attic and partial basement, detached property. There is a car park to the rear of the site, accessed from the south side of the building, which accommodates 9 vehicles. Undercover parking for 12 cycles is also provided externally, sited along the north-facing wall of the building. There is a free-standing garage on the site that is used for storage of maintenance equipment.

1.2 Vehicular access to this section of Bramber Avenue is accessed from an unmade road, The Promenade, which runs adjacent to the coastal path from Roderick Avenue to the west and Mayfield Avenue to the east. At the northern end, leading on to South Coast Road, the road is closed off with bollards, with access for pedestrians and cyclists only.

1.3 The area is well-served by public transport, local shops, community and outdoor recreation facilities.

Background

1.4 Planning permission was granted in October 2017 for the change of use of the property from a nursing home to House in Multiple Occupancy (HMO) for up to 14 persons together with a self-contained flat to be used as manager's accommodation – LW/17/0494. The approved layout was as follows:

Basement: Staff room, boiler room, workshop.

Ground floor: 8 bedrooms, most with en-suite shower/w.c., 1 shared bathroom/w.c., 1 large shared kitchen 1 small shared kitchen, 1 shared lounge, laundry room.

First floor: 6 bedrooms, most with en-suite shower/w.c., 1 shared bathroom/w.c., 1 shared lounge.

Second floor/attic: Manager's flat and office.

1.5 The Council's Private Sector Housing Team subsequently advised the applicant that the shared facilities were not adequate for the number of potential residents. As a result, the applicant has installed integrated kitchen units, comprising a sink, oven, 2 cooking rings and fridge and a cupboard, in each of the rooms/flats, deleted the shared kitchens and lounges and increased the number of rooms from 14 to 18, including the manager's accommodation. The works have already been carried out.

Proposal

1.6 Retrospective planning permission is therefore now sought for the conversion of the property from a House in Multiple Occupation (HMO) and manager's flat to 18 self-contained studios/flats (including manager's flat). The layout as built is as follows:

Basement: Boiler room, 1 x 1 bedroom flat.

Ground floor: Manager's studio flat, reception/office, shared laundry room, 1 x shared w.c., 7 studios, 1 x 1 bed flat, all with en-suite shower/w.c. facilities.

First floor: 6 x studios, 1 x 1 bed flat, all with en-suite shower/w.c. facilities.

Second floor/attic – 1 x 1 bedroom flat.

1.7 It is intended that the facility will be used exclusively to provide temporary accommodation for people who have been made homeless, strictly by referral from Lewes District and Brighton and Hove Councils. There is a 24 hour staff presence and access via the front door is restricted by key pad.

2. RELEVANT POLICIES

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP:- CP11- Built & Historic Environment and High Quality Design

LDLP2: - DM1 – Planning Boundary

3. PLANNING HISTORY

LW/17/0494 - 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. – **Approved**

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

Main Town Or Parish Council – Although PTC recognises the need for this kind of facility, there is disappointment that this facility is being over developed and approved without consulting PTC. There are already serious concerns regarding the sewerage system from Southern Water who have advised that Peacehaven's current sewerage and waste water system cannot cope with the overdevelopment of Peacehaven. There is already an issue where sewerage is leaking into resident's gardens in this area and along The Promenade, pictures of this have been attached with objections. Overcrowding in this small residential street with a large population of elderly retired residents.

Also will residents have the day to day support for independent living there are concerns about the residents having the necessary supports for day to day living in this establishment.

Planning Policy Comments – This planning application should be considered against the policies of the adopted Lewes District Local Plan Part 1; Joint Core Strategy (LPP1) and the adopted Lewes District Local Plan Part 2. The National Planning Policy Framework (NPPF) may also be a material consideration.

The proposed development is located within the settlement planning boundaries, as defined on the Lewes District Local Plan Policies Map. Development is therefore acceptable in principle, in accordance with the spatial strategy set out in the LPP1 and Policy DM1 of the LPP2. The provision of rented studio flats will also assist in delivering homes to meet the identified accommodation need of the district, in particular small homes for single person households, in accordance with Core Policy 2 of the LPP1. Core Policy 2 also supports the provision of flexible and socially inclusive accommodation to meet the diverse needs of the local community.

It is acknowledged that the application fails to provide affordable housing (i.e. housing provided by a council or housing association which is available below the market cost level) in accordance with Core Policy 1 of the LPP1. However, it does not appear possible to secure on-site affordable housing due to the size of the available units and the way that the premises will be managed. Furthermore, the applicant argues that the studio flats will provide essential accommodation for people in need of emergency housing, with occupiers being referred by the District Council, who will pay accommodation costs.

It is considered that these considerations are sufficient to overcome the conflict with the adopted development plan in this instance and the proposed development should therefore be approved.

ESCC SUDS – No objection

ESCC Highways – This retrospective application seeks approval to increase the existing HMO capacity from 14 letting units to 17 letting units. In accordance with the ESCC parking calculator the change of use to HMO with 17 rooms in this location should be provided with 15 parking spaces; however, this proposal is for letting accommodation and thus the level of car ownership associated with the site is highly likely to be lower than for privately owned accommodation. In addition, according to census data 2011 70% of people living in studio accommodation in the Lewes District do not own vehicles. Based on this information and confirmed by the CCTV images detailed within the Design and Access Statement, the existing 9 parking spaces are likely to be acceptable. If additional parking is required for visitors it is apparent that on street parking is available and taking into account the proximity to the town shops, services and good transport links I do not feel a recommendation for refusal could be justified in this instance, as a severe impact would not be created and therefore the proposal is in accordance with the transport requirements of the NPPF

Cycle parking has been provided with 12 cycle spaces, this communal provision is above the 0.5 cycle parking spaces per dwelling recommended in East Sussex County Council's adopted parking standards. Details of the type of storage has not been provided, these parking facilities should be covered and secure and located within the site in a convenient location for users.

Conditions

I recommend that any grant of consent includes the following conditions:

1. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

2. The development shall not be occupied until cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

3. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved by the Local Planning Authority. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety

District Services – None received.

Environmental Health – None received.

Southern Gas Networks – Standard response advising applicant where information about gas pipe locations can be found..

Housing Needs And Strategy Division – From Private Sector Housing :Please may I offer my support for the approval of the retrospective planning permission LW/19/0857. I was requested to assess the accommodation for use by the Housing Needs Team as temporary accommodation. I have visited on 1/5/2019, 20/6/2019, 25/7/2019 and 19/9/2019 to carry out a Housing Health and Safety Rating System assessment under the Housing Act 2004 to ensure the health and safety of the occupants and visitors to the property. All works requested have been completed and the property has no significant health and safety hazards including fire safety hazards. In accordance with the above legislation, this property could provide a good standard of accommodation for 17 families to occupy a maximum of 30 units or equivalent (1 unit = 1 adult or 2 children under the age of 10) plus the manager's accommodation (capable of occupying an additional 2 persons). Please note, 4 rooms in the property can be occupied by 1 person only.

Housing Needs Manager – In terms of need, we are always after temporary accommodation to use for the large number of households that present to us as homeless. As of today we have 35 households in B&B style accommodation waiting until something more suitable can be found.

We were satisfied about the quality of the accommodation Fourways provided. They were proactive in working with our temporary accommodation team and have also worked closely with our Private Housing team.

Sussex Community National Health Service Trust – None received.

Early Years Development Childcare Partnership – None received.

Southern Water Plc – Request for formal application for connection to public sewer.

Sussex Police – None received.

ESCC Infrastructure Contributions – None received.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Five letters/emails of objection have been received, two of which are from the same household. The following issues have been raised:

- Concern that the property could accommodate more residents than stated in the application;
- Concern about fire risk;
- Peacehaven is becoming overcrowded due to amount of development that is being carried out, putting pressure on schools, doctor's surgeries, traffic congestion;
- Concerns about impact on drainage;
- Noise and disturbance;
- Parking demand, impact on access for emergency vehicles;
- Traffic Generation.

A number of comments have been made about the applicant that are not relevant to the application and are not reported here.

6. PLANNING CONSIDERATIONS

Principle

6.1 The site is located within the planning boundary, so there is no conflict with policy DM1. The loss of the nursing home has already been accepted following the previous approval for change of use to HMO. The proposal provides a valuable resource for the council's Housing Team by the provision of good quality, safe and well located temporary accommodation for people in critical housing need. Thus the proposal meets the broad objectives of Policy CP2 which seeks to deliver "sustainable, mixed, balanced communities"...."Providing a range of dwelling types and sizes to meet the identified local need".

Standard of accommodation

6.2 The conversion has been carried out to a high standard and all of the rooms are pleasantly decorated and furnished. The room sizes meet the requirements of the Private Sector Housing Team and are suitable for the purpose of short term housing. The supporting text to policy CP2 allows some flexibility in unit type and size to meet identified need.

6.3 The outside of the property has been repaired and painted, resulting in a visual improvement in the street scene. As noted above, there is a 24 hour presence on the site to ensure that the facility is properly managed. In terms of visual and general amenity and standard of accommodation, it is considered that the proposal is compliant with policy CP11.

6.4 Of the 17 rooms that are to be used for temporary accommodation, 4 of them can only be occupied by 1 person. Overall, the level of occupancy that would be permitted under The Housing Act is 30 adults and children. This is set out in the comments from the Private Sector Housing Specialist Advisor.

Parking

6.5 There are 9 off-street car parking spaces at the rear of the property, for use by staff and residents. Although this is below the level of what would be expected for general needs

housing, consideration must be given to the nature and circumstances of the potential residents, who are less likely to own a car. There are no on-street parking restrictions in force in the area and many of the properties in Bramber Avenue have off-street parking and dropped kerbs. There are opportunities for some on-street parking in the relatively remote circumstance that all of the on-site car parking spaces are taken up. ESCC Highways Team has not objected and it is not considered appropriate to refuse the application on grounds of lack of adequate parking. The request by Highways to add conditions regarding provision of parking spaces, cycle parking and turning space are noted. However, as these facilities are already in place, a condition requiring the parking and turning facilities as well as cycle parking to be retained is proposed.

Affordable Housing

6.6 Normally, proposals of 10 or more housing units would generate a requirement for 40% affordable units under policy CP1, which would equate to 7 units in this case. The applicant has set out a reasoned justification for allowing a departure from this requirement as follows:

- The facility is to be used by the council to provide emergency temporary accommodation for people in housing need;
- The facility is owned and managed by one company and it would be difficult and possibly undesirable for an RSL to separate off 7 units;
- The size of the units would not be suitable for most RSLs.
- A financial provision in lieu of on-site affordable units would be financially prohibitive for the applicant.

6.7 Taking these factors into account, it is considered that it would not be appropriate to seek an affordable housing contribution in this case as the facility *de facto*, provides low cost accommodation.

Impact on surrounding area

6.8 It is clear from the nature of the objections that this proposal is a cause for concern for some residents in the surrounding area; similar issues were raised when under the previous application for the change of use to HMO.

6.9 In terms of drainage the property is already connected to the main sewer system and the increased pressure on the system as a result of the current use is unlikely to be the cause of the problems that have been reported, seemingly for a number of years.

6.10 With regards to parking, the comments and photographs supplied by local residents are noted. However, there is no evidence to suggest that this is a result of the current use. There is a car park at the rear for use by residents which is considered to be satisfactory by ESCC Highways. It should also be noted that the client group using the facility are less likely to have cars.

6.11 Concern over the number of residents/noise and disturbance is understandable. As noted above, the Housing Act controls the number of residents that can be accommodated, restricted by the size of the rooms. The previous use as a care home had 21 residents plus staff, which would be roughly comparable with the current use if it was fully occupied. It should also be recognised that the facility will be managed 24/7 and access will be by referral only. The applicant has offered to provide a detailed management plan, to be secured by condition that can be strictly monitored.

Conclusion

6.12 This facility will provide a valuable and much needed service on behalf of the council by providing temporary, emergency accommodation for people who have become homeless. It is recognised that some local residents have concerns about the impact on the area. The Management Plan, to be secured by condition will be designed to allay these concerns and to ensure a satisfactory level of accountability from the applicant. On balance, it is considered that the proposal is acceptable.

7. RECOMMENDATION

7.1 That planning permission is granted.

The application is subject to the following conditions:

1. Within two months of the date of this permission, a Plan for the management of the site, that will include details of how the facility to provide temporary and emergency accommodation for the homeless will be managed and accommodation allocated, as well as for an on-site manager to be present on the site 24 hours per day, 7 days per week, shall be submitted to the LPA for its approval. At all times, the premises must be occupied in accordance with the details of the Management Plan. The Management Plan shall include details of the maximum length of stay and maximum occupancy of the facility at any one time and shall include provision for monitoring by the Council's Planning and Housing Needs officers.

Reason: In the interest of amenity of the local area.

2. The land indicated on the approved plans for the parking and turning of vehicles and for the cycle parking, shall be retained for those purposes and thereafter kept available for that purpose only.

Reason: In the interests of highway safety and wider amenity having regard to Policy DM25 of the Lewes District Local Plan Part 2 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	27 December 2019	1103.09e
Existing Block Plan	27 December 2019	1103.09e
Existing Floor Plan(s)	27 December 2019	1103.10e - Basement
Existing Floor Plan(s)	27 December 2019	1103.11e - Ground
Existing Floor Plan(s)	27 December 2019	1103.12e - First
Existing Floor Plan(s)	27 December 2019	1103.13e - Second

Existing Roof Plan	27 December 2019	1103.14e
Location Plan	27 December 2019	1103.10
Proposed Block Plan	27 December 2019	1103.10
Proposed Floor Plan(s)	27 December 2019	1103.32 - Basement
Proposed Floor Plan(s)	27 December 2019	1103.33 – Ground2
Proposed Floor Plan(s)	27 December 2019	1103.34 - First
Proposed Floor Plan(s)	27 December 2019	1103.35 - Second
Proposed Roof Plan	27 December 2019	1103.36
Design & Access Statement	27 December 2019	