

Report to: Planning Applications Committee

Date: 9 March 2022

Application No: A - LW/21/0803
B - LW/21/0804

Location: 1 Bramber Avenue, Peacehaven, BN10 8LR

Proposal: A - LW/21/0803 - Removal of condition 1 of E/68/0850 and condition 2 of E/71/0883 (occupancy conditions) to enable the use of the premises for other purposes falling within Class C2 (residential Institutions).
B - LW/21/0804 - Increase from 21 to 27 bedrooms, new vehicular access with formation of car parking bays, cycle store and bin store, hard and soft landscaping, erection of porch canopy to front, erection of enclosure to external escape stair, installation of solar panels to roof, installation of first floor dormer, insertion of new roof light and various alterations to windows and doors on elevations.

Applicant: Seetec Limited

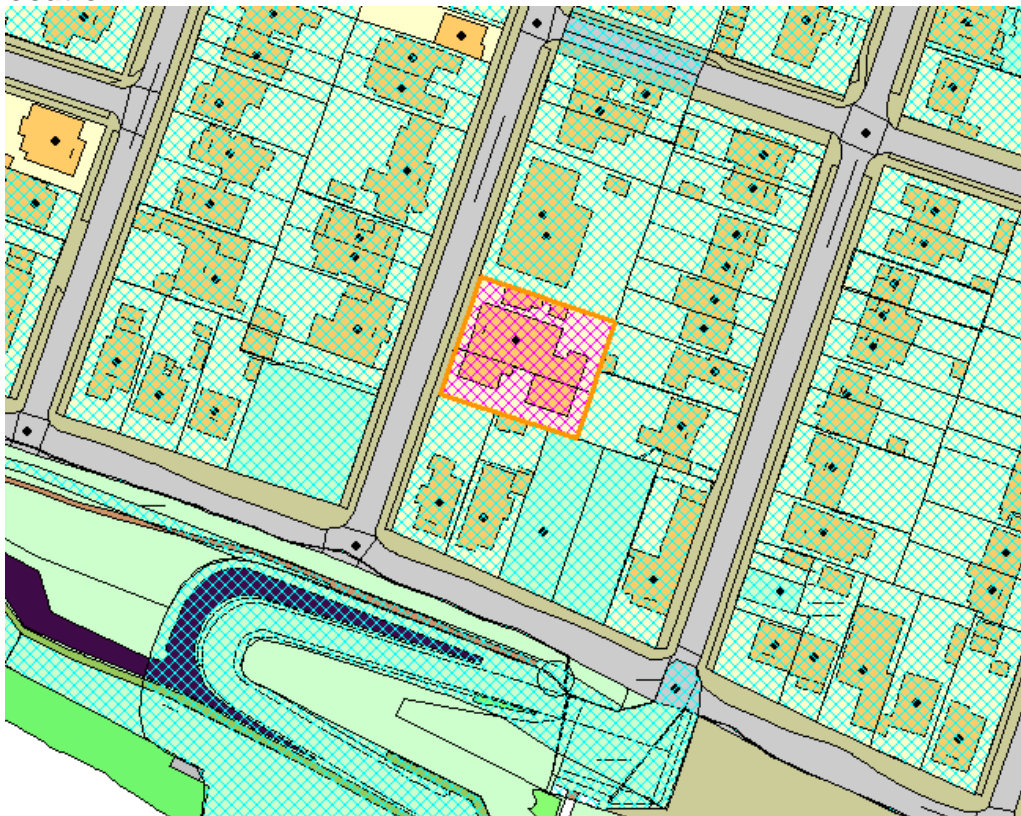
Ward: Peacehaven West

Recommendation: A - LW/21/0803 - Grant S73 Application to vary condition 1.
B - LW/21/0804 - Grant Planning Permission.

Contact Officer: **Name:** Julie Cattell
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IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 Application A LW/21/0803 seeks consent to remove a condition that currently restricts the use of this C2 property to accommodate a home for old persons. This will allow the property to be used for other purposes as set out in C2 of the Use Classes Order.
- 1.2 The proposed use as 'Approved Premises' is within class C2, so this application does not represent a material change of use. Approval is recommended.
- 1.3 Application B LW/21/0803 seeks planning permission to carry out various external alterations to the existing building, including widening the existing vehicle access and formation of 2 additional off-street parking spaces. All of the alterations are considered acceptable, and approval is recommended subject to conditions requested by ESCC Highways.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport

2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: - CP11 - Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – DM25 – Design

3. **Site Description**

- 3.1 The application site is located on the east side of Bramber Avenue, Peacehaven, within the planning boundary.
- 3.2 On the site is a large, detached property, originally constructed in the early 1960s as a bungalow, which has been extensively altered and extended since its use was changed to a residential care home for old people in 1968 (ref. E/68/0850) The detailed planning history is set out in section 5 below.
- 3.3 There are 20 bedrooms in total, together with bathrooms and toilets, sluices, nurse station, office, lounge/dining room with small conservatory, and kitchen. There is also a lift.
- 3.4 The accommodation is set over two floors, utilising the roof space of the original building as well as the two-storey extension approved in 1971 (ref. E/71/0883).
- 3.5 Externally, there is a free-standing garage, to which there appears to be no access at present, and two free-standing stores. There is very little outdoor amenity space. There is a dropped kerb giving access to the garage.

3.6 The site is close to good public transport links, shops and community facilities.

4. **Proposed Development**

4.1 Both E/68/0850 and E/71/0883 were subject to the following condition:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1963 the premises shall not be used other than as stated in the application”. The reason for this condition was the following: “To enable the Local Planning Authority to regulate and control the future development of the land.”

4.2 Application A - LW/21/0803 – This application seeks to remove this condition to allow unfettered use within Class C2 of the Town and Country Planning (Use Classes) Order – residential accommodation to people in need of care. Examples of which include the provision of residential accommodation with care to people in need, use as a hospital or nursing home, a residential school, college or training centre.

4.3 Whilst seeking to secure an unfettered C2 use for the premises, the applicant has stated that it is their intention is to use the property as Approved Premises, providing supported accommodation, care and support for people recently released from custody. Approved Premises are premises approved under Section 13 of the Offender Management Act 2007. They provide intensive supervision for those who present a high or very high risk of serious harm and play a role in monitoring and managing the risk of their residents. They also provide key workers and a programme of purposeful activity that is intended to help with reducing re-offending and reintegration into society.

4.4 Residents of Approved Premises have already demonstrated they are suitable for release from custody. While at the centre, support will be tailored to the individual and will be both pastoral and vocational. The facility will help them to find permanent housing of their own, look for work and reconnect with their families and children. There will be a range of qualified and professional people on site to support residents’ resettlement including, for example, a full-time psychologist.

4.5 While they would be subject to curfew requirements, there will be no use of force or power of detention to compel them to remain. For clarification, Approved Premises do not house ex-offenders who are subject to court orders requiring electronic tagging.

4.6 Up to 29 residents will be living in the facility at any one time, typically staying for a period of between 3 and 6 months, although this may vary. Six members of staff will be on duty during the day, and two at night. The night staff will be on active duty, meaning that the facility will be supervised at all times.

4.7 The only agency that can refer residents to Approved Premises is HM Prison and Probation Service. The assessment is made by qualified professionals who determine that an individual is suitable for release, to stay at Approved Premises from which their resettlement would be best served, for example taking into account distance from their home community.

- 4.8 The Ministry of Justice controls and monitors Approved Premises, specifically the Directorate of Reducing Reoffending, Partnerships and Accommodation, with performance monitored by the Department's Operational Assurance Group and liable to be inspected by HM Inspectorate of Probation.
- 4.9 Application B – LW/21/0804 – This application seeks planning permission for the following works to the building:
- West facing elevation - new front doors and external canopy
 - Enclosure of existing external staircase
 - New dormer window over corridor adjacent to bedroom 20 – not visible
 - Alterations to existing door openings and fenestration: east facing elevation – re-positioning of door, plus new steps down, removal of one ground floor window, and blocking up of redundant opening, solar panels to roof slope; north facing elevation - additional first floor window, new door opening with steps, re-position existing door, plus step; west facing - elevation new rooflight to roof slope; east elevation removal of existing conservatory, screening around steps,
 - New bike and bin stores
 - External steps adjacent to existing rear extension
 - Formation of 3 car parking spaces at the front of the building – one of which will be for disabled use.
 - Increase in width to existing access
 - Hard and soft landscaping, including new laurel hedge around site perimeter.
 - Windows to south and east elevations to have obscure glazing
- 4.10 Internal works are also proposed to change the layout of the building, including the provision of 6 additional bedrooms. Two of the bedrooms will be twin bedded, giving a total of 29 bed spaces. These internal alterations do not require planning permission.

5. **Relevant Planning History**

- 5.1 E/64/0559 - Outline application for bungalow and garage, plot 6, block 137, Bramber Avenue – approved – 29 June 1964.
- 5.2 E/68/0850 - Planning and Building Regulations Applications for Change of Use from residential to home for old persons, internal alterations, and addition to fire escape. Restrictive Planning Condition No. 1. Building Regulations – approved 28 October 1968.
- 5.3 E/71/0883 - Two storey extension to Old People's Rest Home comprising seven bedrooms, etc., with flat over. Restrictive Planning Condition No 2 – approved 26 January 1972.
- 5.4 E/73/1304 - Planning and Building Regulations applications for extension of existing rooms in roof space – approved 28 January 1974.

- 5.5 LW/84/1576 - Planning and Building Regulations Applications for extension to sun lounge 9 October 1984.
- 5.6 LW/85/1452 - Planning and Building Regulations applications for side extension (nursing home) – refused 12 November 1985.
- 5.7 LW/93/1647 - Extension and alterations to nursing home – approved 8 February 1994.
- 5.8 LW/94/0954 - Construction of pitched roof over existing defective flat roof – approved 14 September 1994.
- 5.9 LW/97/1039 - Ground & First Floor extensions – refused 15 September 1997.
- 5.10 LW/00/0133 - Extensions to form laundry, bin store and foodstore – approved 11 April 2000.
- 5.11 LW/00/0136 - Extension to roof to form three additional bedrooms – refused 11 April 2000.
- 5.12 LW/01/0896 - Alterations and extensions to roofspace to form an increase of two additional bedspaces and the formation of three additional parking spaces – refused 6 July 2001
- 5.13 LW/01/1694 - Alterations and extensions to roofspace and the formation of one additional parking space – approved 24 October 2001.
- 5.14 LW/02/0539 - Alterations & extensions to roofspace & formation of additional parking space (revision of LW/01/1694, addition of fire escape) – approved 16 May 2002.
- 5.15 LW/02/1952 - Construction of an additional dormer on front elevation – approved 2 December 2002.
- 5.16 Also of relevance is application LW/19/0857 relating to 3 Bramber Avenue, for conversion from HMO and manager's flat to 18 self-contained flats including manager's flat. This facility provides temporary accommodation for up to 30 persons (adults and children) who have been made homeless, by referral from nearby local authorities.
- 5.17 The application was granted approval subject to the following condition:

“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, and to include the details for the location/provision of a smoking shelter, 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.”

6. Consultations

6.1 Peacehaven Town Council

Application A – LW/21/0803

6.1.1 PTC objects on following grounds and requests call in for committee:

- Absence of car parking facilities and provision for pedestrians, wheelchair and prams.
- Increase of traffic and congestion.
- Exacerbate existing parking problems.
- Parking and highway safety issues.
- Local drainage needs to be improved.
- The Housing Needs Assessment, recently produced for the Town's Neighbourhood Development, clearly shows an existing and increasing need for older peoples' homes
- There should not be an 'open' class of use for this property; the owners should have to apply for a change of use for specific purposes
- The property concerned is not in a suitable location for the proposed rehabilitation of offenders, as there is not the structured environment for this purpose

Application B – LW/21/0804

6.1.2 PCT objects on following grounds and requests call in for committee.

- Insufficient car parking for number of staff that will be working there and visitors. Parking at this site is inadequate for the proposed new use of this building and increase in capacity. Provision for on 2/3 off road parking spaces in this already heavily congested area. Strick no parking along the Promenade, Steyning Avenue and Bastion Steps car park is full every day with commuters, dog walkers, shoppers.
- Inadequate sewage/drainage provision, the drainage is unable to cope with the present number of residents. There are serious on-going issues with sewage leaking from drains and crosses the road through The Bastion Steps car park; public and dog walkers have to walk through this which is an environmental health hazard.
- Detrimental effect on local character, over development and cramped.
- Inadequate local infrastructure. No local police station due to closure, closure of doctors' surgeries which now results in just one surgery for a Town of 25 residents.
- No detailed building information to prove compliance with the Peacehaven Design Guides and sustainability.

6.2 ESCC Highways

Application B – LW/21/0804

- 6.2.1 Access/Parking - The site currently benefits from a vehicular access served from Bramber Road which is an unclassified road subject to a 30mph speed limit. There is sufficient space to park 1 vehicle. It is proposed to demolish the boundary wall and create a dropped kerb in order to provide parking for an additional two vehicles allocated to the site.
- 6.2.2 The existing space will be a disabled space. The spaces are arranged in parallel and should measure 2.5m X 5m. Add an extra 50cm where spaces abut walls. The disabled space should measure 3.6m X 5m. It should be noted that the access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate legal agreement.
- 6.2.3 Accessibility - It is stated that no residents will have cars and will be reliant on public transport to move around. The site is relatively well connected to public transport. Although there is no train station within an acceptable walking distance of the site, there are bus stops located approximately 150m to the north of the site which provide frequent services to nearby locations. There are local amenities within walking distance including a convenience store approximately 180m away. It is recommended that information is provided in communal areas with details of bus services and locations of nearby amenities.
- 6.2.4 I therefore do not wish to object subject to the imposition of the following conditions & informative
- The development shall not be occupied until the parking area has been provided in accordance with the approved plans 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 motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
 - The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
 - The vehicular access serving the development shall be constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

- The cycle parking area shall be provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] 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
- Informative

The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

6.3 Sussex Police

Application A - LW/21/0803

- 6.3.1 I have no concern over the discharge of conditions 1 & 2. However, it is the type of facility being proposed by the applicant that causes some concern to myself and the local NPT due to the immediate proximity of an existing housing facility for vulnerable persons. The applicant has given suggestion that number 1 Bramber Road would be used as a Probation Hostel. It is the cumulative impact of this proposed application upon the existing facility and immediate area that is the main cause of concern from a safeguarding perspective. There is also concern of the potential impact upon the local community.
- 6.3.2 The following are extracts from the planning statement submitted in support of this application -
- 6.3.3 Para. 3.2 states - The property is no longer required to provide residential care for old persons and as such it is appropriate to consider other suitable alternative uses. The first logical alternative use for the premises is some other form of care or support/training (other than old persons) also falling within the same Use Class – in this case Class C2.
- 6.3.4 The use of the premises for alternative uses falling within Class C2 include use as a Probation Hostel:
- 6.3.5 Para. 3.6 states - Whilst this application is not explicitly seeking planning consent for the change of use from one C2 function to another specific C2 function, it is the case that the applicant intends that the property will initially be occupied by people in need of support and resettlement as a result of an interaction with the criminal justice system and having been deemed suitable for reintegration and rehabilitation within their home communities. The premises and the occupants will be managed by suitably qualified on-site staff but will not be a secure unit as defined by sub-class C2A. The property has been identified as being suitable to meet the specific and tailored needs of its intended occupants.

- 6.3.6 Para. 6.3 states - The statement demonstrates that the immediate intention to re-use the premises to provide a home, with associated care and support, for people recently released into their home community from detention (Class C2) should be considered to be compatible with the planning policies in force in this location. The site is within a sustainable and accessible location within a settlement boundary and will provide for specialist housing needs to assist the reintegration of occupants into their community in a managed way that should present no increased significant risk to the safety, well-being or convenience of future residents or neighbours
- 6.3.7 Para. 5.1 states - The use of the premises for alternative uses falling within Class C2, including as a Probation Hostel, would provide an additional valuable housing resource for which there is a need in this community by the provision of good quality, safe and well-located temporary accommodation for people in need of specialist housing and support. 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”
- 6.3.8 5.23 states - Residents will receive proactive supervision and tailored support from an experienced team of specialists.
- 6.3.9 The NPT would like assurance of this and to see copies of management practices and the levels of support for residents with the appropriate partnership agencies.
- 6.3.10 Whilst the NPT accept that the premises could be appropriate to accommodate such a proposal as the applicant suggests, it is their concern and responsibility to raise concerns from a safeguarding perspective to the welfare of the proposed residents, the immediate adjacent vulnerable housing facility residents, and those of the existing community, should this application be granted. This application has the potential for increasing ASB, C&D, the opportunity for crime and the fear of crime in the immediate area and community.
- 6.3.11 As a result, I agree with the NPT that the introduction of the proposed probation Hostel has the potential to have a detrimental effect on the resident’s amenity and that of the surrounding community. Additionally, it has the potential to place an additional burden upon Police resources. To that effect Sussex Police would not support this application for a probation hostel at the location.

Application B - LW/21/0804

- 6.3.12 This application proposes to increase the existing rooms from 21 to 27 which include two double rooms. This will allow the premises to accommodate a maximum of 29 persons at any one time.
- 6.3.13 The premises provide bedroom only accommodation with communal dining and lounge and shared washing facilities. From a security perspective SBD identify these types of dwellings as buildings of multiple dwellings.

6.3.14 To provide a minimum standard of security for the residents I recommend the following security arrangements implemented into the building.

- Access control. See SBD Homes 2019 V2 chapter 27.24.
- Communal front door-sets. SBD Homes 2019 V2 chapter 21.3.
- CCTV monitoring entrance. See SBD Homes 2019 V2 chapter 29.
- Compartmentalisation. Developments over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour, SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation) by restricting access to all areas and floors of the building to all residents. The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following: 1. Lift and stairwell access controlled separately. 2. Lift and stairwell access jointly controlled via an additional secure door-set. Further detail can be obtained within para 27.29 SBD Home 2019 V2.
- Postal arrangements are to be centrally controlled by staff or where communal mail deliveries within buildings entrances serving multiple rooms exist, they should be designed to incorporate the requirements within SBD Homes 2019 V2 chapter 32.
- Individual room door-sets are to be adequate and fit for purpose and include a security viewer and security chain. I recommend PAS 24:2016 door-sets or their equivalent to be installed. Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, communal front door-set and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. (Note 21.5). This would apply to windows as well.
- Ground floor and any easily accessible windows are to conform to PAS 24:2016 or their equivalent.
- Parking. I do not have concerns over the amount of parking available for staff.
- Lighting for buildings containing multiple dwellings is to conform to SBD Homes 2019 V2 chapter 33. lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not

appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. Any lighting installed must be commensurate with any CCTV system to ensure correct functionality of the CCTV system during day and night-time recordings.

- 6.3.15 I would like to direct the applicant to SBD Homes 2019 V2 chapter 56 7 57 where advice on secure cycle storage where appropriate can be found.
- 6.3.16 There will be specific site requirements to some of these security requirements. I am willing to discuss these in-depth with the applicant if required.
- 6.3.17 Sussex Police would have no objection to Planning application LW/21/0804 as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed, it is planning application LW/21/0803 that raises concern and is not supported.
- 6.3.18 The applicant has provided the following response to the Police Comments:
- 6.3.19 “The Class C2 use of the premises is already established, and the application simply seeks the removal of a vague restriction on the age (not the origin) of the occupants of the premises. I do however recognise that this response from the DCCO is likely to be influential on Member’s consideration of the S73 application, and to that end, I would advise as follows:
- 6.3.20 The provision of supported accommodation and services for people as part of a managed reintegration into the community is regarded nationally as a critical component of prevention of crime and disorder. To that end, we consider that the proposal is entirely consistent with the provisions of the Act.
- 6.3.21 The welfare of the proposed residents would be enhanced by the security and support that they will benefit from while residing here. The absence of access to such accommodation poses a greater risk to the welfare of the individual and thereby the wider community. The welfare of neighbours would be managed in the manner previously explained, with modifications to the premises, and the residents being subject to a range of rules geared towards minimising adverse effects.
- 6.3.22 The assumptions and conclusions expressed by the DOCO, including those with regard to police resources, would apply to such a facility in any location within this or any other community. Given the identified need for such accommodation to support the aims of the criminal justice system, including the support and rehabilitation for offenders that will be a feature of the use, and the lack of such accommodation and support currently available for this area, I must admit that I find this to be a surprising position for the DOCO to adopt in response to this application. The applicant is thus engaging with DOCO and Sussex Police directly in response to the representation.

7. Neighbour Representations

Application A – LW/21/0803

7.1 Representations have been received from 70 local residents objecting to the application. The concerns raised can be summarised as follows:

- Overwhelming view that the site is unsuitable for the housing ex-offenders, for a variety of reasons. The local MP has written to residents with his view that that this is the wrong location for such a facility
- The population of the area is mainly elderly people who have lived in the area for many years, and younger families with children. The area around the site is very peaceful and quiet. Residents will be fearful of living close to such a facility.
- Some residents have provided extracts from published documents with statistics showing that re-offending rates are very high.
- There is a school and a nursery located within 200m of the site.
- The site is located very close to the coastal path and stepped access to the undercliff walk and children's swimming school. The coastal path is a destination for walkers.
- Streetlights are turned off in the evening to save power – darker streets would encourage criminal activities, crime in the area would increase
- Likelihood that some of the residents will have issues with drug or alcohol abuse and mental health. There are no support services in the area and general health services are under severe strain.
- Not enough in Peacehaven to keep future residents of the home occupied, no job centre.
- The property is next door to an HMO which provides temporary accommodation for people who have been made homeless and often has women and children escaping domestic abuse.
- Lack of transparency from applicant about its other facilities.
- The nearest police station is in Lewes
- Breach of Human Right to live "In peace and tranquillity and not in any fear or trepidation".
- Some residents have lived near or worked in similar facilities and have experienced problems of petty crime, drug and alcohol abuse and noise and disturbance.
- Overlooking to properties at the rear
- Additional noise and disturbance on site and in the street
- There is a need for more accommodation for elderly people in the area, to cut down on bed-blocking.
- The local sewage system is inadequate and leaks onto public space.

- Insufficient parking on site, additional traffic generation and demand for parking.

7.2 One representation of support for a rehabilitation facility and suggests that by refusing the application, the council would be in breach of The Rehabilitation of Offenders Act and may leave the council open to litigation under The Equalities Act.

Application B – LW/21/0804

7.3 Representations have been received from 38 local residents objecting to the application. Many of the letters/emails were duplicates of those submitted for LW/21/0803. One additional comment raised issue that size of bedrooms, number of shower and toilet facilities, cooking staff facilities not adequate for the proposed number of residents and staff.

It is understood that in addition to the letters and emails sent directly to the council, a petition objecting to the applications secured 1500 signatures. This petition has not been sent to the council.

8. Appraisal

Application A – LW/21/0803

8.1 Principle

- 8.1.1 Policy CP2, amongst other things, supports proposals that provides ‘socially inclusive and adaptable accommodation to help meet the diverse needs of the community’.
- 8.1.2 The removal of the restrictive condition to allow the building to be used for other uses within class C2 is compatible with this policy.
- 8.1.3 As Approved Premises provide non-self-contained accommodation, with an element of care and supervision, they are considered to fall within class C2, with no material change of use. Any change of use within a use class is not development and Planning Permission is therefore not required for such a change.
- 8.1.4 As such, the committee should focus on the conditions subject to which the previous planning permissions were granted that restricted the use of the premises to a home for Old Persons” and to an “Old Peoples Rest Home”.
- 8.1.5 As noted above, the original permissions were for old peoples care homes and both E/68/0850 and E/71/0883 were subject to the following condition:
- “Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1963 the premises shall not be used other than as stated in the application”.* The reason for this condition was the following: *“To enable the Local Planning Authority to regulate and control the future development of the land”*
- 8.1.6 The application before the committee is for these restrictive conditions to be removed. National planning guidance states that in considering this application, the Committee must have regard to:

“The Development plan and material considerations, and the conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”.

8.1.7 As the application was granted many years ago, under a different Development Plan system, the reason for the imposition of the condition is not clear, however, the condition restricting the age range of the future residents is not considered to be reasonable or enforceable today. and the original condition would not meet the tests for ‘reasonableness’ set out in the NPPF (Paras 55-57).

8.2 Amenity

8.2.1 It is noted that, understandably, local residents have serious concerns about the nature of the intended occupants. The applicant has submitted an indicative Management Plan which is intended to provide some reassurance as to the way in which the facility will be run. As Approved Premises are controlled by other legislation, any planning conditions that seek to duplicate such controls would be unlawful. Thus, the Management Plan cannot be secured by condition.

8.2.2 The fear of crime or an increase in crime can only be material if the fear is based on actual evidence emanating from the use of the premises itself, for example evidence of previous disturbances, rather than a perceived fear based on the potential occupiers.

Application B – LW/21/0804

8.3 Design

8.3.1 The external alterations to building are considered to acceptable and will improve the appearance of the building. As such the proposal complies with policies CP11 and DM25.

8.4 Amenity

8.4.1 All the windows on the south and east elevations of the building will be obscure glazed as shown on the submitted plans, which will significantly reduce overlooking that currently takes place from the building. The rear staircase will also be enclosed in translucent sheeting to diminish overlooking and to reduce noise.

8.5 Parking

8.5.1 The application was accompanied by a Transport Statement, which has been considered by ESCC Highways and no objection has been raised. It is considered that the unrestricted C2 use class will not generate more traffic movements or demand for parking than the former use as a care home. There are public car parks close to the site and the site is very well located close to bus routes along the

A259. The additional parking spaces which will be provided under LW/21/0804 will be for staff only.

8.5.2 The proposed cycle parking facility meets the ESCC standard for a facility of this kind.

8.5.3 The conditions requested by ESCC have been attached to the decision.

8.6 Sustainability

8.6.1 An array of solar panels is proposed to be installed on the east facing roof slope, although no information has been provided as to their exact use and specification.

Comments on objections

8.7 Drainage

8.7.1 It is recognised that there are problems with foul water drainage in the area. However, this matter cannot be taken into consideration in the case of a removal of a condition or external alterations.

8.8 Unmet demand for older persons accommodation in the area

8.8.1 As neither of the applications under consideration preclude future use of the premises as a home for older persons, a recommendation of refusal on this ground would be inappropriate and unreasonable.

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**

Application A LW/21/0803

10.1 Approval is recommended

Application B LW/21/0804

10.2 Approval is recommended subject to conditions.

10.3 Conditions – Application A

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	18 October 2021	Planning Statement
Transport Assessment	18 October 2021	Transport Statement
Location Plan	18 October 2021	SK001 Rev D

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

10.4 Conditions – Application B

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	18 October 2021	Planning Statement
Transport Assessment	18 October 2021	Transport Statement
Location Plan	18 October 2021	SK001 Rev D
Proposed Elevation(s)	19 November 2021	SK002 Rev F - Proposed Ground Floor Plan and Elevations (Amended)
Proposed Floor Plan(s)	19 November 2021	SK002 Rev F - Proposed Ground Floor Plan and Elevations (Amended)
Proposed Floor Plan(s)	19 November 2021	SK003 Rev E - Proposed Ground Floor Plan 1 of 2 (Amended)
Proposed Floor Plan(s)	19 November 2021	SK004 Rev C - Proposed Ground Floor Plan 2 of 2 (Amended)
Proposed Roof Plan	19 November 2021	SK005 Rev D - Proposed First Floor Plan and Existing and Proposed Roof Plans (Amended)

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

2. The development shall not be occupied until the parking area has been provided in accordance with the approved plans 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 motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

3. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The vehicular access serving the development shall be constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. The cycle parking area shall be provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] 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

10.5 Informative:

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

11. **Background Papers**

- 11.1 None.