

LW/21/0803 & 804
Peacehaven

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Amended response from Sussex Police

I would like to revisit my previous comments of PE/LEW/22/01/A dated 07th February 2022 in response to planning applications LW/21/0803 & LW/21/0804, as additional information has been made available to me regarding them. My previous comments are superseded on receipt of this correspondence.

I have had the opportunity to examine the detail within the applications and consult with the local Neighbourhood Policing Team (NPT) for this area as well as consulting with the Public Protection lead for MAPPA in Sussex who has been engaged with the applicant to develop their proposal. In an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder (C&D), and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour (ASB) in the Lewes district is below average when compared with the rest of Sussex, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

Sussex Police are aware of the shortage of all sorts of residential accommodation within the county which includes a shortage of suitable accommodation for those with complex needs being released from prison, which increases their risk of homelessness and therefore any risk that they pose to the public becomes unmanaged and the need to address this situation. Sussex Police are very supportive in the rehabilitation of offenders back into society and the community and are fully appreciative of the need for supportive measures such as this facility that are needed to tackle this issue.

Whilst the NPT are not against this application and the type of accommodation it proposes. It is the positioning of this proposed type of facility that has caused some concern to me and the local NPT due to its immediate proximity to an existing housing facility for vulnerable persons.

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The applicant has given suggestion that number 1 Bramber Avenue would be used as a Probation Hostel. It is the cumulative impact of this proposed application upon the existing facility at number 3 Bramber Avenue and the immediate area that is the main cause of concern from a safeguarding perspective. Number 3 Bramber Avenue has the facilities to house a large number of vulnerable woman and children.

Whilst the NPT accepts that the premises could be appropriate to accommodate such a proposal as well as being suitable to meet the specific and tailored needs of its intended occupants as the applicant suggests, it is their concern and responsibility to raise any apprehension from a safeguarding perspective to the welfare of the proposed residents in number 3 Bramber Avenue as well as those of the existing community.

The following are extracts from the planning statement submitted in support of this application.

3.2 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.

3.6 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 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.

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.

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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”

5.23 states. Residents will receive proactive supervision and tailored support from an experienced team of specialists. I am pleased to announce that the applicant has engaged from early stages with Sussex Police to develop this support and this includes the proposal to invest in increased police resource to be part of a multi-disciplinary team working at the premises.

Planning application LW/21/0803

I have no concern over the discharge of conditions 1 & 2. 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).

Planning Application LW/21/0804.

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.

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. To provide a minimum standard of security for the residents I recommend the following security arrangements are 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.

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- 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
 - 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.
 - 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. 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.

Sussex Police would have no objection to proposed planning application's LW/21/0803 and LW/21/0804 as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being given due consideration.

- The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

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Additional neighbour objection:

I am extremely disappointed with your decision to recommend approval to vary condition 1 and I do not understand your reasons. You state in 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 "

However, this is obviously impossible as the premises are not open & being used as an approved hostel. But, the N.P.P.F (National Planning Policy Framework) section 8 92-103 Promoting healthy & safe communities 92 (b) states " are safe & accessible, so that crime & disorder and the fear of crime & disorder do not undermine the quality of life or community cohesion " & 93 (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs." Our local council have identified the need for elderly care & would wish the premises to remain as such.

In addition the crime and disorder act 1998 section 17 puts a duty on each local authority to " without prejudice to any other obligation imposed on itto exercise it's functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in it's area (including anti social behaviour adversely affecting the local environment, the misuse of drugs, alcohol & other substances & re-offending in it's area "

Also in Safer places, The planning system & crime prevention P.D.F page 50 The planning decision says "Any planning decision involves balancing sometimes competing objectives ...but crime prevention considerations should be given weight where the potential crime risk is shown or expected to be high , and ,or the consequences for the community, vulnerable groups and individuals serious "

Because of this I direct your attention to the following articles which I believe shows a pattern of potential problems associated with these type of premises & therefore make our fear of crime not an unreasonable assumption.
Article in Bury times Nov 2008.

The residents are in dispute, they have suffered years of vandalism, graffiti, late night parties & fights. These are private houses used as unsupervised support bail hostels run by a company called Clearspring. The neighbours received a letter with a phone number to call in the event of problems. Police have been called to deal with climbing over roofs, loud music, women visitors & fights.

Article in Surrey live April 2009
B.A.S.S (Bail accommodation and Support Service)
Run by a company called Nacro
Gas cannisters and knives thrown into gardens, curfews flouted, residents hosting parties and drug dealing.

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Article in The Royal Borough Observer, 22 July 2021

Permission to extend a hostel & provide 3 extra bedrooms refused

The premises have been owned by the M.O.J since 1967

Residents / Neighbours feel intimidated by the occupants & witnessed rowdy behaviour, public urination, littering, drinking alcohol outside.

M.O.J. say every effort will be made to monitor residents' behaviour, however, this is only possible while they are on the premises, not when out and about in the community. They are intentionally moving around over 12 hours a day until 11pm.

Offender management & oversight within the community is almost non-existent, no police, no community wardens (much like our town!)

Kent online published 28/5/2021 & updated 1/6/2021

Probation resident Lance Colston jailed for manslaughter after killing Jason Orwin in Maidstone. He attacked Mr Orwin & a friend after overhearing Mr Orwin warn his partner to be wary of Colston & a friend who were drunk.

Convicted murderer who spent 32 years in prison was jailed again for stalking a woman while resident at Fleming house

57 yr old was jailed for abducting, raping & murdering a 17yr old.

Kidnapper & sex attacker released early from 8yr sentence was jailed for attempted robbery while a resident - while subject to a curfew of 9pm, the attack happened close to 12pm

Figures from Kent Police under the Freedom of information act reveal they receive reports of crimes committed by the residents at Fleming house at a rate of more than one a month

In 30 months from September 18 to February 21 40 crimes recorded as committed by people living in the hostel, ranging from theft and harassment to Actual bodily harm & sexual assault

Kent Police raised objections to the potential expansion of the hostel. Their Designing out crime officer referred MBC to the planning policy which states all decisions must ensure crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion

The M.O.J withdrew their plans

According to the probation service - emergency services are regularly called to the town centre hostel which houses violent & sexual offenders

Although no detailed data was released, documents in the proposed plans revealed the emergency services are called to the site "less than once a fortnight "

BBC News home 18/1/2007

Panorama programme secretly filmed convicted paedophile & child killer

Frank Parker befriending children while at a unit in Bristol

Naomi Bryant killed by released rapist Anthony Rice

Mary Anne Leneghan four of her killers were under supervision

John Moncton killed while under supervision

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The Star 1/2/2021

A violent offender wielded a claw hammer when taking two women hostage at South Yorkshire hostel after learning he was being recalled to prison.

Apparently he was high on booze and value at the time. He had 31 previous convictions for 61 offences including robbery & wounding, serious assault & escaping from custody

Lancashire Telegraph 19 September 2021

Bail hostel man jailed after roof top siege with police. It lasted from 3pm to 7pm. Police, ambulance and fire personnel deployed. He threw tiles at police and caused damage of more than £10,000.00. Residents were evacuated NS emergency services were tied up for hours.

Basingstoke Gazette 4 May 2021

Bail hostel in Southampton. A double stabbing incident. A 28yr old man & a 23yr old woman were injured. A 17yr old was arrested.

As you can see from these reports, even controlled hostels, managed well & curfews do not protect the local communities from anti social or criminal behaviour. So I have no faith in an untested company's proposals for managing these dangerous residents. As shown in my previous letter recidivism rates are high and their own guidance shows that these people will be free to roam the neighbourhood without oversight during the day and even that they are advised not to detain the residents in the event of problems, so how can 2 overnight staff possibly manage up to 29 people?

I am sure that there is a need for such hostels, properly managed, in the right areas where they can be easily monitored & any problems dealt with quickly , but, our neighbourhood is not the right one.

1345 residents have signed the petition on [Change.org](https://www.change.org) under the title say No to ex convicts in Peacehaven. Our local M.P does not agree that this is the right location. The police do not support this hostel. Our local council do not support this application. I once again urge you to reconsider your decision to recommend approval to the planning committee & refuse the application on these grounds.

I repeat Safer Places The Planning System & Crime Prevention P.D.F page 50 The Planning Decision Any planning decision involves balancing sometimes completion objectives.... but crime prevention considerations should be given weight where the potential crime risk is shown or expected to be high and, or, the consequences for the community, vulnerable groups and individuals seriously.

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Bishopstone

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Unauthorised Uses and Planning Investigation

For clarity, the former scaffolding business left the site in November 2021. The alleged unauthorised tree surgery business does not form part of the current application.

Nonetheless, an update has been provided by the council's Enforcement Officer as follows:

- The tree surgery firm is on a retainer with the farmer and carries out forestry land maintenance on the farm.
- Works is also undertaken at other locations.
- The tree surgery firm store equipment including a chipper and some tools/vehicles at the farm.
- The lawfulness of this use is pivoting on a technical point and both the Enforcement Officer and the South Downs National Park Authority are in discussions.
- The result of the current application is awaited before a decision is made as to whether it is expedient to pursue enforcement action against the tree surgery business.

With respect to the grain store, workshop and machinery store approved under application SDNP/17/03324/FUL, the council's Enforcement Officer has clarified as follows:

- The development has started and the permission is extant.
- The area marked as tool shop/vehicles is being used to store grain until the rest of the development is finished.
- The farmer is using the part of the development that has been constructed to store grain, which is agricultural and provides no satisfactory justification for enforcement.

It is reiterated by your Officer that neither the grain store nor the tree surgery business form part of the application that is before Members for consideration, and that in respect of the tree surgeon use planning investigations are ongoing.

Additional Representations

An additional email objecting to the application has been received from Peter Earl, Town Planning Consultant, commenting as follows:

- The description of the development has been altered.
- No clarity on controls to be placed on waste importation, processing and handling.

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- Unclear which unauthorised uses have ceased.
- Environmental Health has not verified background noise levels or undertaken noise monitoring.
- Noise increases when doors are left open.
- Work and spraying can be undertaken outside in hot weather.
- Fire risk from blacksmith's forges.
- Use of a power hammer in the blacksmith's forge.
- Barn is also used for educational purposes.
- Barn is constructed of corrugated cement cladding, not sheet metal.
- The tree surgery firm's use of the site is not covered by this planning application.
- The caravan at the site is not covered by this planning application.
- No evidence has been produced to show that 24 car parking spaces can be provided or that the necessary visibility splay can be achieved on land within the applicant's control.
- Visual impact on the street scene.
- Impact on amenity of neighbours.
- Evidence is needed of the toilet facility drainage, whether it is connected to a septic tank or mains drainage.

These comments are acknowledged. The application does not propose educational use of the site and it is considered that occasional use for providing day classes would be considered incidental and not the primary use of the land. Courses are for a maximum of up to 3 persons. There is no further information available as to the frequency of courses, the blacksmith has been contacted and Members will be updated by Officers at the Planning Applications Committee meeting.

A statement has been received from the Planning Agent, clarifying as follows:

- The blacksmith has a mechanical hammer/press which is used infrequently.
- The noise report submitted was undertaken with the machine operating.
- The blacksmith has undertaken works to insulate the area from sound/noise in accordance with the advice and recommendations of the acoustic consultant.
- The level of insulation results in an acceptable noise environment.

The above correlates with the consultation comments from the council's Environmental Health noise specialists, detailed within the main agenda report.

Amended and Additional Conditions

The following amendments and alterations to the suggested conditions are recommended by Officers.

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Condition 4

Condition 4. shall be amended as follows:

“Neither shall materials, goods, plant, equipment or any waste materials be stored, nor any spraying or processing be carried out, externally.

Reason: To protect the visual amenity of the locality, in the interests of safety, and in order to mitigate the impact of the development on residential amenity.”

Condition 12

In addition, an extra condition 12. is recommended as follows, which would also serve to reinforce condition 7., which seeks to limit noise levels. This condition would cover any new machinery/plant acquired and put to use by any occupier of the building, including the blacksmith, and ensure that satisfactory mitigation is put in place if necessary:

“Notwithstanding the details submitted, no new or additional fixed plant or machinery shall come into operation until full details of the fixed plant/machinery have been submitted to and approved in writing by the local planning authority, including provision of noise assessments and details of mitigation measures as necessary.

Reason: To safeguard the tranquillity of the countryside and residential amenity.”