

Report to: Planning Committee

Date: 17 April 2023

Application No: 230049

Location: 12 Gorringe Road, Eastbourne, BN22 8XL

Proposal: Change of Use from Residential Care Home (C2 use) to 3no. 3 bed flats (C3 use), with dedicated bin storage area and cycle storage facilities (amended description).

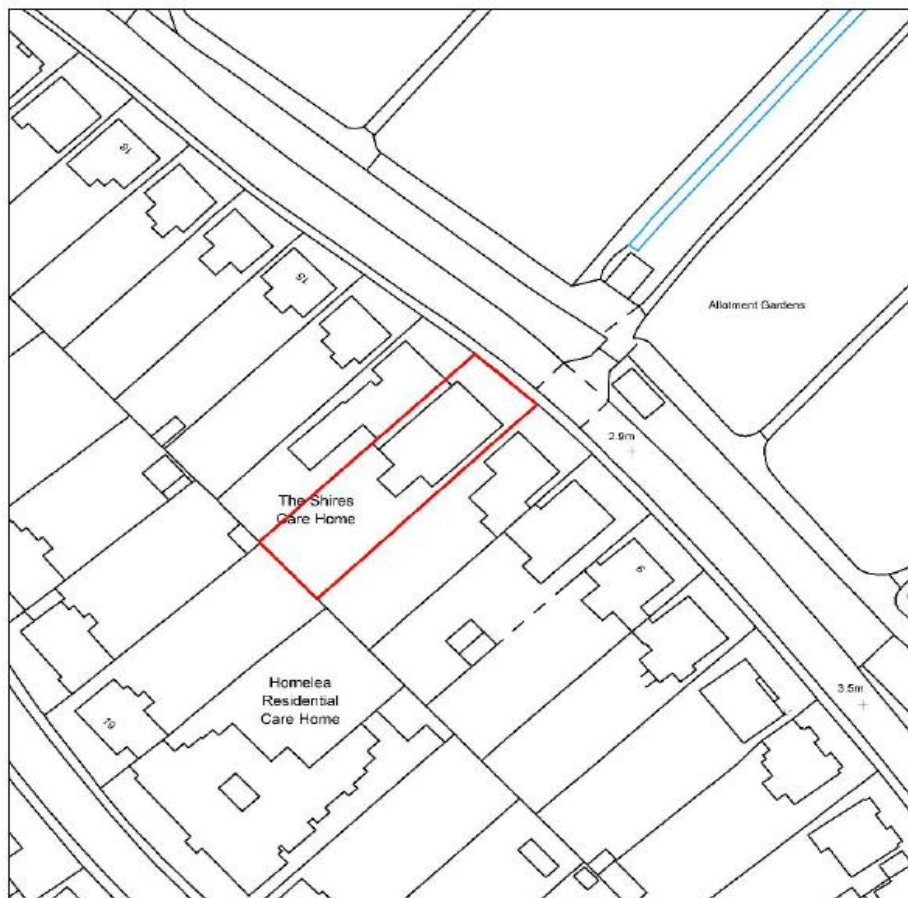
Applicant : Mr Jez and Chris Colville

Ward: Upperton

Recommendation: Approve subject to conditions.

Contact Officer: **Name:** Emma Wachiuri
Post title: Specialist Advisor - Planning
E-mail: Emma.Wachiuri@lewes-eastbourne.gov.uk
Telephone number: 01323 410000

Site Location:



1. Executive Summary

- 1.1 The application is presented to the Planning Committee due to the number of objections received.
- 1.2 The application seeks planning permission for the change of use from Residential Care Home (C2 use) to 3no. 3 bed flats (C3 use), with dedicated bin storage area and cycle storage facilities.
- 1.3 During the course of the application the proposal has been amended by omitting the rear roof terrace and external staircase.
- 1.4 The application is considered to comply with national and local planning policies and is recommended for approval, subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework:

- 2. Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change.

2.2 Eastbourne Core Strategy 2006-2027:

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C2: Upperton Neighbourhood Policy
- D5: Housing - High Value Neighbourhoods
- D7: Community, Sport and Health
- D8: Sustainable Travel
- D10A: Design.

2.3 Saved policies of the Eastbourne Borough Plan 2001-2011:

HO2: Predominantly Residential Areas
HO9: Conversions and Change of Use
HO20: Residential Amenity
NE4: Sustainable Drainage Systems
NE14: Source Protection Zone
NE28: Environmental Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT7: Landscaping
UHT8 Protection of Amenity Space
US4: Flood Protection and Surface Water Disposal
US5 Tidal Risk
TR2: Travel Demands
TR4 Quality Bus Corridors
TR6: Facilities for Cyclists
TR11: Car Parking
LCF21: Retention of Community Facilities.

2.4 Supplementary Planning Documents and other relevant guidance:

Sustainable Building Design SPD
EBC Electric Vehicle Charging Points TAN
ESCC Guidance for Parking at New Residential Development.

3. Site Description

- 3.1 The application site relates to a two-storey semi-detached building in lawful use as part of a C2 residential care home together with adjoining property no.13 Gorrington Road. The property is currently vacant awaiting the outcome of this application.
- 3.2 The site is located within the 'Upperton Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).
- 3.3 Site Constraints:
Predominantly Residential Area
Source Protection Zone.

4. Proposed Development

- 4.1 The application is seeking permission for the change of use from Residential Care Home (C2 use) to 3no. 3 bed flats (C3 use), with dedicated bin storage area and cycle storage facilities.

During the course of the application the proposal has been amended by omitting the rear roof terrace and external staircase and relocating the bin storage facilities from the front to the rear of the building.

- 4.2 The external alterations proposed are:

- Removal of existing rear conservatory and replacement windows and doors on the ground floor rear elevation.
- Lowering of cill level of ground floor flank windows for better lighting to bedrooms. These are to be obscure glazed upto 1.7m height.
- Subdivision of rear garden into three separate private amenity spaces.

5. Relevant Planning History

- 5.1 The most relevant planning history is:

5.2 220421

Proposed change of use from residential care home (Class C2) to mixed use of Class C3 (Dwelling house) and House of Multiple Occupation (Sui Generis) to include separation into two separate properties. No.12 to be comprised of 9 no. luxury HMO rooms and 1 no. 2 bed flat and no.13 to be comprised of 11 no. luxury HMO rooms, with refuse storage area to the front and cycle storage shed in the rear communal garden (amended description). CONCURRENT APPLICATION.

5.3 220961

13 Gorringe Road

Change of Use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area. CONCURRENT APPLICATION.

5.4 010493

Ground and first floor extensions at rear to form additional residents' bedroom accommodation together with a lift.

Approved conditionally
19/12/2001.

5.5 030513

Erection of conservatory at rear.
Approved unconditionally
17/11/2003.

5.6 980603

Part ground and first floor extensions to link 12 and 13 Gorringe Road (to provide en-suite facilities at first floor and enlarged utility room to ground floor),

first floor extension at rear to form one staff bedroom and one resident bedroom.

Planning Permission
Approved conditionally
20/04/1998.

6. Consultations

6.1 Housing Strategy:
No comment received.

6.2 Southern Water:
No response received.

6.3 Specialist Advisor (Waste):
No comment received.

6.4 Specialist Advisor (Planning Policy):
No comment received.

6.5 Environment Agency:
No objection.

7. Other Representations

7.1 Notification:

Notification of this application has been undertaken in the form of:

- a. neighbour notification letters;
- b. site notices displayed in roads neighbouring the site.

7.2 Neighbour Representations:

One comment in support of the application received.

Nine letters of objections have been received raising the following concerns:

- Bin arrangements not good for 12 and 13. (*Officer note: As amended the bins would be stored within the rear gardens of the proposed flats and no longer at the front of the site*).
- Bins may not be enough resulting to littering the area like it happens with No.13.
- Roof terrace will lead to noise pollution and overlooking of adjacent gardens (*Officer note: Removed from the scheme*).
- The living areas are small and hardly family friendly and not laid out with families in mind.
- Noise.
- Lack of car parking provision.

- HMO avoiding licensing (Officer note: There is nothing within the submission which suggests this is an HMO development and were this to happen in the future action would be taken).
- Sightings of bats living at this property and would request a wildlife impact assessment. (Officer note: The proposed development at no.12 does not include any works in the loft or any other roof alterations.)

Non-planning matters:

- Rent too high for NHS staff members.
- Interior décor made from pallets, is a fire hazard if not correctly treated and may also contain mould, mildew, chemicals and even lead.
- Sewage pipes and disposal insufficient.
- Project was not notified to HSE under an F10, and therefore fails to comply with the CDM Regulations.
- Plumbing issues, bathroom and toilet provisions are substantially lacking.

7.3 Other Representations:

None.

8. Appraisal:

8.1 Loss of existing use:

Para. 93 (c) of the NPPF states that planning decisions should ‘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;’. This is echoed in policy D7 of the Eastbourne Core Strategy which states ‘the loss of any community, sports or health facilities will be resisted unless it can be demonstrated that the facility is no longer required to meet current needs, or where alternative and improved provision can be made elsewhere in Eastbourne in a location that is accessible to local people’.

Whilst a number of smaller and older nursing homes have recently closed in Eastbourne a number of recent approvals for large, purpose built care homes have been granted, an example being 282 Kings Drive (planning ref: 181178). The site is currently not in operation as a care home and the applicant has confirmed within their submission that the facility closed due to problems with competing with newer, purpose-built care homes in the local area. The building lacks a lift and due the stepped access from pavement level makes accessibility difficult for elderly residents making purpose built care homes more attractive to residents.

8.2 Principle of the proposed residential use:

The assessment will need to take into account the balance between the 3 overarching objectives of sustainable development, social, economic and environmental, as well as other matters identified within the NPPF, such as

safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117), ensuring development is of suitable design and sympathetic to the character of the surrounding area (para. 127) and ensuring development does not compromise highway safety (para. 109).

There is no objection in principle to the proposed change of use to residential (C3) provided the development is designed to a high standard, respects the established character of the area, would not have an adverse effect on neighbouring amenity and is in accordance with the policies of the National Planning Policy Framework (2021), the Core Strategy 2006-2027, and saved policies of the Borough Plan 2007.

Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.

The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.8year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.

Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5-year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Para. 120 of the NPPF maintains that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. Para. 125 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing needs for an area, particularly as development on such sites is often built out relatively quickly.

8.3 Design, Character and Impact Upon Landscape:

Following amendments to the original proposal to omit the external staircase and the first floor roof terrace / external staircase, the only external alterations to the building are the demolition of the existing rear conservatory and insertion of replacement windows and doors on the ground floor rear elevation. In addition, there will be lowering of cill level of ground floor flank windows for better lighting to bedrooms and this would not have any significant impact upon the appearance of the building as a whole.

The proposal is not considered to impact upon the character or the visual amenity of the streetscene. It is therefore concluded that the proposal satisfies policies D10a and UHT15.

8.4 Amenity and living conditions for future occupiers:

Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the amount of bedrooms provided and level of occupancy.

3 bedroom, 6 person, single-storey dwelling:

Requirement = 95 square metres

Proposed = ranging between approx. 90sqm and 120sqm.

Taking account of the constraints of the building, the proposed flats would provide an acceptable internal space for the intended occupants.

Para. 10 (i) of the space standards document requires the minimum floor to ceiling height to be at least 2.3 metres for at least 75% of the Gross Internal Area; the proposed height meets this requirement.

All habitable rooms would be served by clear glazed and good-sized windows. It is therefore considered that all habitable rooms will have access to good levels of natural light and ventilation. There would be no immediate obstructions to outlook from any of the proposed windows. The proposed dwelling would have a clear and uncluttered floor plan that avoids awkwardly shaped rooms and long corridors, thereby allowing for ease of navigation and ensuring rooms are functional and adaptable.

The main access to the property from the street is to the front of the building, facing out towards Gorrington Road where there is a good level of surveillance. from neighbouring dwellings as well as from windows of flats forming part of the development.

The site is located in a predominantly residential area and thus is acceptable in principle for the proposed residential use. The surrounding uses are thus considered to be compatible with this residential environment and do not generate levels of noise, light or air emissions that would cause undue disturbance towards future occupants of the proposed development. Likewise, it is not considered that the residential use of the building would prejudice ongoing operations of any nearby business use.

The flats would have their own private outdoor amenity to the rear following subdivision of existing rear garden. The site is within walking distance of public open spaces including the beach.

8.5 Impact upon the amenity of neighbouring occupants:

The existing building would not be extended and the existing fenestration would be retained. Some small alterations would be made to the size (cill height) of existing side facing windows. These windows would be obscurely glazed up to 1.7m height. Therefore, the existing outlook from the building to neighbours would be similar or identical to the proposed in most cases, with a reduction in the built form from removal of the conservatory.

It is therefore considered that the proposal would not have detrimental impacts on residential amenities of neighbouring occupiers by reasons of loss of daylight/sunlight, loss of outlook nor loss of privacy over and beyond the existing.

8.6 Transport and Parking:

The proposal seeks to change use from a residential care home to 3 residential flats. The property as existing has no off-street parking. Given the site constraints and the fact that the existing care home has utilised on-street parking to meet its transport demands and that the site does not provide any opportunity for in-curtilage parking, on-street parking provision is acceptable to meet the ongoing parking demands for the development.

ESCC Parking Demand Tool confirms that the proposed development would generate the demand for 2 car parking spaces. Taking account of the demand for staff and visitor parking associated with the former care home use, the proposal would not give rise to a significant increase in parking demand when compared to the established use of the site.

The proposal would provide cycle storage facilities within the rear gardens of the proposed flats, the details of which can be secured via a condition. The proposed provision of 3 cycle spaces per flat would exceed ESCC Guidance for parking at residential developments, which advises a minimum of 1 cycle per flat.

8.7 Sustainable drainage and flood risk:

The site is located within Flood Zone 1 (with part of the front garden being part or bordering Flood Zones 2 and 3). However, it is noted that the front garden is

elevated above road level and that the Strategic Flood Risk Assessment confirms that zones 2 and 3a are associated with the lower level land in Eastbourne Park, including the allotments opposite the site. As such, is at very low risk of any tidal or fluvial related flooding. Environment Agency mapping also confirms that the risk of surface water flooding on the site is low.

The Environmental Agency was consulted, and no objection raised.

8.8 Other matters:

The proposed refuse and recycling storage areas would be located to the rear of the building. This would not normally be acceptable for refuse collection operatives, given the distance to the refuse collection vehicle at the public highway, but the applicant is proposing that a private refuse and recycling collection company is used for the lifetime of the development. This would be detailed within the aforementioned Management Plan for the site, secured by condition of permission.

9. **Human Rights Implications**

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. **Conclusions**

It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The Proposal therefore complies with local and national policies.

11. **Recommendations**

Recommendation to approve the application subject to the following conditions.

12. **Conditions**

- 12.1 **Time Limit:** 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).

- 12.2 **Drawings:** The development hereby permitted shall be carried out in accordance with the approved drawings published on 30/01/2023 and 20/03/2023:

- 1026.05 - Location Plan and Block Plan

- Proposed Ground Floor Plan ref. 1026.04 Rev C - Amended
- Proposed First Floor Plan ref.1026.03 Rev B - Amended
- Proposed Elevations ref. 1026.07 Rev B – Amended.

Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.

- 12.3 **Materials:** The external finishes of the development, hereby approved, shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.

- 12.4 **Landscaping and Boundary Enclosures:** Within two months of the date of this permission, details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting;
- b) details of all hard surfaces;
- c) all boundary treatments.

Any new planting that dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the character and amenity of the area

- 12.5 **Cycle storage facilities:** Prior to first occupation of the development, hereby approved, details of secure and covered cycle parking facilities for 9 cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 12.6 **Refuse and recycling facilities:** Notwithstanding what is shown on the approved drawings, details of enclosed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided prior to first occupation of the development, hereby approved, and retained solely for the storage of refuse and recycling in accordance with the approved plans

for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

- 12.7 **Refuse Management Plan:** A Refuse Management Plan (RMP) for the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the frequency of collection, the management of litter on the site and the management of refuse containers, which shall not be left on the public highway and shall be returned to the designated refuse and recycling storage enclosures shown on the approved plans. Thereafter, the RMP shall be implemented upon first occupation of the development and managed in accordance with the details approved for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory refuse and recycling to the properties and to protect the amenity of the adjacent residential property.

13. Appendices

- 13.1 None.

14. Background Papers

- 14.1 None.