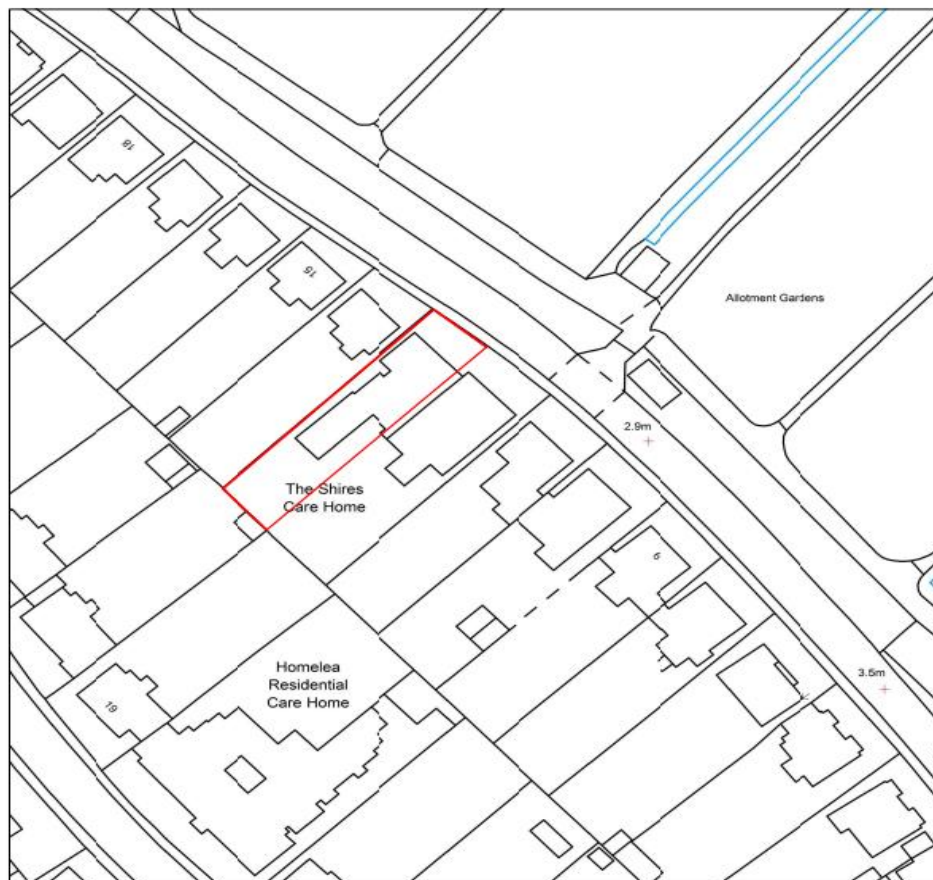


Report to: Planning Committee
Date: 17 April 2023
Application No: 220961
Location: 13 Gorringe Road, Eastbourne, BN22 8XL
Proposal: Change of Use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area

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 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area.
- 1.3 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.12 Gorrington Road. The property is currently vacant.
- 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 planning permission retrospectively for the change of use from Residential Care Home (C2 use) to 11-bedroom HMO (Sui Generis use) with associated bin and cycle storage area.
- 4.2 A secure and covered cycle store for 11no bikes is proposed to be located in the rear garden and bin storage is proposed along the side passage.
- 4.3 The refuse and recycling bins would be wheeled out and back every collection day by a private refuse management company. A ramp would replace the step between the pavement and the side passage to improve bins and bikes access.

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 230049
12 Gorringe Road
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 and rear roof terrace and external staircase.
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:
Advice given.
- 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.

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

- Owner has been running unlicensed, illegal HMO.
- Garbage overflowing from bins all over the streets.
- It is not clear what garden, recycling and household waste bin location provision has been made from the plans.
- No Parking provision.
- Anti social behaviour.
- Noise impact.
- The planning application is for a project that has been completed. (without planning application approval) as is the sister application for the adjacent property.

- Insufficient egress from the property in an emergency.
- Insufficient storage space for the number of waste bins.
- Cramped living conditions/ limited space in private rooms and communal space.
- High risk of groundwater Flooding on site.
- Overdevelopment.
- This is not the right area for this development as the road is mostly family occupied.
- Road safety: Parents accompany their children to the school.
- The living areas are small and hardly family friendly and not laid out with families in mind.
- Noise.
- Running unlicensed, illegal HMO.

7.3 Non-planning matters (covered by separate legislation):

- No fire safety measures in place.
- Rats presence
- Sewage pipes and disposal insufficient.

7.4 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.

Policy HO14 of the Borough Plan directs that ‘planning permission will be granted for the establishment and retention of Houses in Multiple Occupation (HMOs) provided they comply with residential, visual and environmental amenity considerations set-out in Policies HO20, UHT4 and NE28.’ These policies relate to impacts on residential amenity, the character of the surrounding area and environmental impact. The proposal has been assessed against these criteria and is considered to be acceptable on balance of the use of the wider site that the former care home occupied, including number 12.

8.3 Design, Character and Impact Upon Landscape:

The proposal would not comprise any significant alterations to the external envelope of the building from the existing. As such, there would be no impact on the character or the visual amenity of the streetscene or wider area resulting from the proposal. It is therefore concluded that the proposal satisfies policies D10a and UHT4.

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.

Based on the floor plans provided, bedrooms would generally be substantial in size, with private washing facilities. Suitably sized communal kitchen and dining facilities are also provided. The proposed accommodation would generally provide good quality accommodation for occupants.

All bedrooms and the communal kitchen/dining area have good access to natural light and ventilation as they are well served by clear glazed windows.

There would be no immediate obstructions to outlook from any of the proposed windows. The proposed development has 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. 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.

The occupiers would have access to a private outdoor amenity to the rear of the property.

8.5 Impact upon the amenity of neighbouring occupants:

The existing building would not be extended, and the existing fenestration would be retained. 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.

Policy HO20 of the Local Plan states that subject to other policies and proposals of this Plan new development proposals and extensions to existing buildings should respect residential amenity. Proposals will be refused unless they can demonstrate that they do not cause unacceptable harm.

The existing building has been used as a residential care home meaning occupants and staff members of the care home are likely to be frequently moving up and down internal staircases plus additional care home activities such as deliveries, family visitors and health workers visits. It is considered the proposed use could be carried out without unacceptable impact upon the amenities of neighbouring residents, provided a suitable management and maintenance programme is in place to ensure the upkeep and security of the building and that noise and activity is controlled so as to protect residential and environmental amenity. This can be secured through the use of a planning condition.

Representations from neighbouring residents received following consultation raise concerns about the impact upon the amenity of the area resulting from poor refuse management. Planning permission would be subject to the imposition of a condition requiring a Management Plan, which would include details to ensure the site is managed in a way that would ensure the amenity of the area is maintained. This would include refuse and refuse and recycling management and the general condition, appearance and maintenance of the site.

It should also be noted that all HMO's occupied by more than 5 persons must be licenced by the Council's Housing Department. The security and maintenance standards of the HMO are fully assessed as part of the licencing process as per The Management of Houses in Multiple Occupation (England) Regulations 2006 and any licence granted has to be renewed every 5 years. A licence can also be revoked at any time.

The proposal is thus considered that subject to condition would not harm the residential amenities of the adjacent occupiers.

8.6 Transport and Parking:

The proposal seeks permission for change of use from Residential Care Home (C2 use) to 11 bedroom HMO (Sui Generis use) with associated bin and cycle storage area. The proposal does not incorporate any off-street car parking spaces and would operate in a similar manner but less intensity compared to the existing use. Given the site constraints and the fact that the existing care home has no off-street parking provision, officers consider that lack of car parking provision for the proposed development would not be a justified reason for refusal on this ground alone.

ESCC Parking Demand Tool confirms that the proposed development would generate the demand for 6 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 any significant increase in parking demand when compared to the established use of the site.

In addition, according to 2011 census data, 74% of people who live in studio accommodation in Eastbourne do not own vehicles. Therefore, utilising this percentage, it is likely that 2 spaces would be required for a total of 11 bedrooms.

Policy TR6 states that adequate facilities for cyclists will be required in new developments and for changes of use. This will include:

- a) safe and clearly defined access to, and circulation within the development site;
- b) secure, convenient, well lit, well signed and wherever practical, covered, cycle parking close to the main entrance of the premises, in accordance with the Highway Authorities' adopted standards; and
- c) provision of changing and showering facilities.

The proposal would provide 11no. cycle storage facilities within the rear garden of the property, details of which can be secured via a condition.

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.

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

- 1025.17 REV A site and block plan
- 1025.19 proposed floor plans

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

- 12.2 **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.

- 12.3 **Cycle storage facilities:** Within one month of the date of this permission, details of secure and covered cycle parking facilities for 11no. cycles shall be submitted to the Local Planning Authority. Within two months of approval in writing by the Local Planning Authority, the facilities shall be provided in accordance with the details approved and retained as such for the parking of cycles for the lifetime of the development.

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

- 12.4 **Refuse and recycling facilities:** Notwithstanding what is shown on the approved drawings, within one month of the date of this permission details of enclosed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Within two months of approval in writing by the Local Planning Authority, the facilities shall be provided in accordance with the details 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 facilities are provided for future residents of the development to protect the amenity of the area and neighbouring occupants.

- 12.5 **Maintenance and Management Plan:** Within one month of the date of this permission, A Maintenance and Management Plan (MMP) for the development, hereby approved, shall be submitted to the Local Planning Authority. The MMP shall include details of the management of litter and the cleanliness of the site, the maintenance of the building and the management of refuse and recycling storage areas and 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. Upon approval in writing by the Local Planning Authority, the site shall be managed in accordance with the approved details for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory maintenance and management of the site to protect the amenity of the area and neighbouring occupants.

13. Appendices

13.1 None.

14. Background Papers

14.1 None.