

App.No: 150357 (PPP)	Decision Due Date: 28 May 2015	Ward: Hampden Park
Officer: Leigh Palmer	Site visit date:	Type: Planning Permission
Site Notice(s) Expiry date: 2 May 2015 Neighbour Con Expiry: 2 May 2015 Press Notice(s):		
Over 8/13 week reason:		
Location: 7-9 Nevill Avenue, Eastbourne		
Proposal: Two storey extension at side and rear to provide nine additional en-suite bedrooms, and internal alterations to provide improved circulation, an additional lounge and en-suite facilities.		
Applicant: Mr Brian Cooney		
Recommendation:		

Executive Summary

This application follows a scheme that was dismissed on appeal. This revised scheme is considered to have overcome the issues of the raised by the appeal Inspector and now proposes a form of development that helps to support a local business and provide an important local service.

The redesigned scheme has an acceptable impact upon the street scene and also the does not result in a material loss of amenity to the occupiers of the adjoining/adjacent properties.

Given the limited increase in bed spaces proposed the likely increase in activity associated with this development would not result in any material impacts residential amenity. Similarly given that any impact upon the local street parking is likely to be modest a refusal based on this issue could not be substantiated when the scheme is acceptable in all other respects

Recommended for approval subject to conditions.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating Sustainable Neighbourhoods

C7: Hampden Park Neighbourhood Policy

D7: Community, Sport and Health

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE7: Waste Minimisation Measures in Residential Areas

NE28: Environmental Amenity

UHT1: Design of New Development

UHT4: Visual Amenity

HO20: Residential Amenity

TR11: Car Parking

Site Description:

The application property is an established Nursing Home registered for 57 residents, including frail and disabled older people and those requiring post-operative and palliative care.

The site/plot is situated at the junction of Nevill Avenue and Brassey Avenue. The existing property is a result of the change of use of three previously residential properties and a range of extensions to link these buildings and enlarge the site.

The rooms are over 2 floors with 3 separate wings. The building itself is set back from the road creating a car park and drop off area on site. The Avalon Nursing Home is next door to the application site, created through similar extensions and conversions.

The site is opposite the rear of properties (even numbers) in Nevill Avenue which have substantial gardens and foliage cover from the site. The site currently has 13 parking spaces, one disabled bay and one doctor parking space. There is a bin store and workshop situated in the car park area and near to the one TPO tree at the front of the site. There are currently 3 staircases and one small lift to provide access around the building.

The current building is constructed in brickwork and render (white) with plain hanging tiles and plain roofing tiles. The windows and doors are a combination of timber, aluminium and uPVC. The boundary treatments are brickwork and timber with asphalt paving hardstanding for vehicles. To the rear of the site is the driveway to 57a Brassey Avenue, with 57 and 57a Brassey Avenue lying adjacent to the rear.

There is a roof terrace to the property facing Brassey Avenue which has raised concerns with neighbours and is currently unused.

Relevant Planning History:

There has been significant planning history on this site relating to its longstanding use as a residential care home. These applications culminated in a proposed extension (reported below) that was dismissed on appeal. This scheme seeks to address the issues at the appeal stage.

140451 Proposed 2-storey extension to provide 10 additional residents bedrooms complete with en-suite facilities, and alteration of existing rooms to provide improved circulation, an additional lounge and en-suite facilities to existing rooms. Also relocation of external store and associated changes to car parking.

Planning Permission Refused 11/06/2014 and Dismissed on appeal

This application was refused for the following reason:-

The proposal by reason of the continuous unbroken length of roofline is incongruous, out of scale and style in an area where the predominant pattern of development is characterised by detached and semi-detached properties and as such the development would be visually dominant and out of character with the street scene. The proposal would be contrary to policies UHT1, UHT4 and HO20 of the Eastbourne Borough Local Plan (Saved Policies, 2007) and B2 and D10A of the Eastbourne Core Strategy Local Plan (2007 – 2027)

In dismissing the appeal the Inspector commented that the main issue was the effect of the development upon the character and appearance of the area

Proposed development:

The application has been submitted in an attempt to overcome the previous scheme dismissed on appeal.

The scheme seeks to extend the existing nursing home establishment with/by a 2 storey extension accommodating a further 9 ensuite bedrooms and by reconfiguring the exiting fabric of the building to provide an additional 4 rooms are to be provided with ensuite accommodation.

The frontage car park is also to be reconfigured to provide an additional 4 parking spaces and as well as bicycle and scooter spaces.

In broad terms this application has an 'L' shaped footprint that wraps around the existing establishment/building. In terms of the appearance/scale, the new extension is one of three 2-storey detached dwellings with lower storey linking elements.

The entire width along Brassey Avenue measures approximately 24.2m and the depth of the extension into the site along the side facing 57 Brassey Avenue measures approximately 18m, the maximum height of the two storey element is approximately 8.5m with the lower storey elements measuring approximately 6.7m in height

The proposed external materials follow those used in the main existing property, namely facing brickwork to the ground floor and render to the upper floors and tiles to the pitched roof.

The application has been supported by a statement from the applicant, this statement outlines the both the economic and social benefits of the proposal.

This report identifies the **economic benefits** as being:-

- Job creation for the end user but also during the construction phase
- Help to sustain the viability of an existing business and thereby securing a number of local jobs

The reports outlines the **social benefits** as being:-

- There is a growing demand for +85 **nursing bed spaces** within Eastbourne rising by a further 761 by 2020
- There is a growing demand for +85 **residential care bed spaces** within Eastbourne rising by a further 122 by 220
- The application supports the viability of the enterprise and thereby would give continuity to the existing residents. If the business were to become unviable and fail these residents would need to find alternative accommodation.
- The site is in a sustainable location and close to public transport links, good for residents, visitors and support services
- Over 80% of the staff travel to work via public transport

Consultations:

Internal:

Specialist Advisor (Arboriculture) The application could be approved as the proposal will have little impact on the two protected trees on the site. Recommend conditions to

External:

Environment Agency - No objections

Highways ESCC – The Number of additional vehicle movements created by this change will be minimal and therefore acceptable as it would have minor impact upon the public highway.

Neighbour Representations:

4 Objections have been received and cover the following points

- Similar to the scheme that was dismissed on appeal,
- Far too big for a residential area
- On street car parking is very congested
- Loss of privacy from direct overlooking
- Commercialisation of a residential area
- Loss of light
- Imposing and intrusive development
- Would build very close to the road
- Double yellow lines the available parking is at a premium
- Overdevelopment
- Over the years large residential gardens have been developed, A number of care homes have been extended
- Property devaluation
- Compromise space/air around buildings which is characteristic
- More staff/ patrons/visitors would increase car parking pressure

Appraisal:Principle of development:

This application has been submitted in an attempt to mitigate the concerns raised by the previous scheme. Members will note that the main issue at appeal was the impact that the development would have upon the character and appearance of the area.

Essentially therefore the appeal inspector had concerns over the impacts upon the street scene only; this application seeks to mitigate this concern by way of a redesign.

It is considered that there is no objection in principle to care/nursing home operators wishing to adapt/alter their properties/business to meet their changing needs and requirements subject to any planning application not giving rise to material impacts upon the site/street scene or the amenities of the occupiers of the adjacent properties/plots.

With a growing elderly population nationally and within Eastbourne in particular the provision of accommodation fit for purpose is considered to carry significant material weight in the assessment of this application.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The main impacts on residential amenity concern 57 and 57a Brassey Avenue.

The impacts upon this property have been materially improved by way of reducing the scale and mass of the new build along this boundary. The impacts are further mitigated by the existing separation between these two properties/plots.

There are no first floor flank windows to bedrooms within the scheme that faces the closest neighbouring property (57 Brassey Avenue) and there are no external balconies/terraces proposed and as such the adjoining properties and those that directly face the application site are unlikely to suffer a loss of amenity (direct overlooking) to such a degree to warrant or justify a refusal of planning permission.

Similarly given the redesign to the external fabric of the development it is considered that the adjoining properties should not suffer any substantial degree of over-shadowing, this is due in part to the separation with roadways in between.

Although there is an increase in residents, it is unlikely that noise, general disturbance or odour will increase due to the nature of the site and the existing use continuing.

As commented by ESCC there should be any material impact upon the local highway network and as such a refusal based on this issue could not be substantiated especially given that if any impacts do occur they are significantly short of 'severe' as identified by NPPF terms.

Design issues:

It is considered that the proposed extension takes architectural references from the main property (projecting bays, pitched roofs and brick and render elevations) and has responded directly to the appeal decision by reducing the extent of the roof profile over/across the extension.

The result is that in street scene terms the external appearance of the scheme has the visual appearance of the of individual 2 storey dwellings separated by lower height links. The height of the proposed extension at its highest point is lower than the main property and the roof profile is further mitigated by lower height linking elements. In this regard the addition remains subservient to the main property and would be acceptable within the street scene and in the views of the officer have overcome the impacts from the appeal scheme.

The use of matching materials helps to provide visual continuity to the development that would further reduce the visual impact of the development.

The extension does not affect any important vista or cause loss of natural screening and due to the redesign maintains the distinctive nature of the building itself. Therefore the appearance and character of the local environment is maintained.

There are concerns about this area being primarily residential and although there is no objection to the current use of the building as a Nursing Home, the fact that the building has been extended to form a large site in this area of single private dwellings is not supported by all. However, the proposal makes effective use of the site and there is sufficient space on site for a development of this size. The layout has been considered in terms of residential amenity but also designed to have effective use of floorspace and appropriate fire safety and disabled access etc. The decision to remove the redundant terrace in

efforts to improve privacy for neighbours are noted. In response to concerns over fire escape route, the fire escape is detailed on the extension at the rear and is fully internal.

Impacts on trees:

There is some landscaping proposed and the alterations to the parking and storage cause some concern in relation to the TPO tree at the front of the property. The Specialist Advisor for Arboriculture has been consulted and advises that due consideration must be given during construction and that any approval should carry conditions for the protection of the TPO trees on site.

Impacts on highway network or access:

Due to the reconfigured parking space there is an increase in 4 parking spaces including 2 disabled bays proposed with provision for parking for cycles which was previously absent. There is an increase of 9 rooms but no increase in staff, however 4 spaces are now specifically allocated for staff and one for doctor. Therefore the only likely users of the additional spaces are transient visitors.

There is no on-street parking available on Nevill Avenue but the nearby residential streets of Brassey Avenue and Freeman Avenue provide unlimited on street parking, which can make these areas very busy at peak times. The properties in the area largely have off street parking available for residents, but these areas are very busy with car parks. The nature of the use of the site means that visitors are not staying for unnecessarily long periods and are present throughout the day, also the staff are on shifts so the influx of vehicles to and from the site is consistent and spread out. Due to this fact, although concerns over parking provision have been considered the impact is deemed to be minimal due to the above factors. Highways have been consulted and advise that the new parking provision

is sufficient to cater for the increase in rooms and that it improves the standard of parking in line with ESCC guidelines. The plans for cycle storage are to be specified in more detail though. The alteration to access is also deemed acceptable by Highways provided conditions are met.

Other matters:

Effect on Environmental Amenity has been considered, however due to the use continuing as a Nursing Home and the fact the additional rooms provide bedrooms rather than kitchens etc that are likely to produce additional smells, this is not considered a major concern.

In relation to the previous application the scheme is supported by East Sussex County Council's Adult Social Care Department, Supported Housing Development Team as current and projected demographic, health and social care needs data on people age 65+ over the next 2 decades and information on current supply in Eastbourne shows that there is both current and future demand for this type of accommodation. The proposal supports the requests from this department that the rooms would be single rather than shared to enable choice and services which support dignity and respect. The addition of ensuite rooms and a first floor residents lounge, with better wheelchair access provides more suitable accommodation and improves the current accommodation in line with requirements.

The proposal does not contravene any of the visions for the Hampden Park Neighbourhood but supports the policy to enhance existing community facilities in that it provides needed accommodation which is of an acceptable standard for these members of the community.

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.

Conclusion:

The proposed development is in keeping with the site and surrounding area. Residential amenity is maintained to an acceptable level and the TPO's are protected.

The development provides suitable accommodation in terms of Adult Social Care requirements and is a good addition to this community facility.

This is subject to conditions but the proposal accords with Eastbourne Borough Local Plan (Saved policies, 2007), Eastbourne Core Strategy Local Plan (2007-2027) and the National Planning Policy Framework (2012).

Recommendation:

Approved conditionally

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. The use hereby permitted shall not commence until the existing access has been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Director of Economy Transport and Environment.

Reason: In the interests of Highway safety.

4. The new access shall be in the position shown on the submitted plan [number: SK11 rev:F and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to commencement of development.

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

5. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas 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.

6. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas 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 is accessible by non car modes and to meet the objectives of sustainable development.

7. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (BS 5837: 2012) for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Tree Protection: fencing. A design of the tree protection to be approved by the Borough council's specialist Advisor in Arboriculture

Reason: To ensure the continuity of amenity afforded by existing trees.

8. Prior to the demolition of the bin store details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- A. A method statement on the demolition of the existing bin store to prevent damage to the existing trees on site.

- B. Agree the location of site office, method statement for construction access routes and material storage areas before commencement of construction and demolition.

Reason: To ensure the protection of trees to be retained and avoid unnecessary damage in particular to the root system.

9. At no time shall there be any burning/bonfires anywhere at the site.

Reason: To ensure the protection of trees to be retained and avoid unnecessary damage.

10 The detailed landscaping plans to be submitted pursuant shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained with root protection areas plotted, and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

11 No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees at the edge of the required root protection area in accordance with British Standard 5837:2012 Trees in Relation to Design, demolition and construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition —retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

12. The development hereby permitted shall be carried out in accordance with the approved drawings no.

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

13 No additional windows, doors or other means of opening shall be inserted into any first floor elevation without the writing consent of the Local Planning Department.

Reason: In the interest of maintaining the residential amenity of the occupiers of the adjoining

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.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.