

<b>App.No:</b> 150499 (PPP)	<b>Decision Due Date:</b> 28 October 2015	<b>Ward:</b> Old Town
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 4 July 2015  <b>Neighbour Con Expiry:</b> 7 October 2015 (revised scheme) <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> Negotiations to achieve an acceptable scheme		
<b>Location:</b> 44-48 East Dean Road		
<b>Proposal:</b> Demolition of existing buildings and erection of a three-storey 58 bed care home (use class C2).		
<b>Applicant:</b> Mr Harnoop Atkar		
<b>Recommendation:</b> Approve		

**Executive summary:**

**Planning Status:**

Source Protection Zone  
Residential area

**Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

NE14: Source Protection Zone

NE17: Contaminated Land

NE28: Environmental Amenity

UHT1: Design of New Development

UHT2: Height of Buildings

UHT4: Visual Amenity

UHT5: Protecting Walls/Landscape Features

UHT6: Tree Planting

UHT7: Landscaping  
HO2: Predominantly Residential Areas  
HO7: Redevelopment  
HO9: Conversions and changes of use  
HO17: Supported and Special Needs Housing  
HO20: Residential Amenity  
TR2: Travel Demands  
TR11: Car Parking

### **Site Description:**

The application site is located on the north side of East Dean Road, close to the junction with Longland Road approximately 30 metres to the north east. The site is bounded by residential properties to the west, north and east, and East Dean Road to the south. Access to the site is via a vehicular entrance from East Dean Road to the south east side of the site at the rear of no.42 East Dean Road. It is occupied a collection of single and two storey buildings formerly in use as car repairs and body shop workshops and B8 warehouse storage incorporating an element of on-site retail and deliveries from the site. The site is now vacant.

The site is an irregular shape and occupies approximately 0.34 hectares in area. The major part is generally level but is located on a plateau where the levels slope steeply downwards from south west to north east. To the west, the land slopes steeply upwards to a height of 6 – 7 metres above the existing site levels to the side boundaries of nos.2 Downside Close and no.50 East Dean Road. To the north east of the site, the land slopes steeply downwards to the rear of the 2 storey houses fronting Longland Road where the existing ground level is approximately level with the eaves of these houses. The site is also set well below the level of East Dean Road and the houses to the south side of East Dean Road.

The existing boundary treatment around the site comprises a high flint and brick wall to the east and a 1.5 metre high close boarded fence along the north east side where there is also a collection of 3 single storey storage buildings within an indented alcove to this boundary to the rear of nos. 5 and 7 Longland Road. A 1m high chainlink fence runs along the boundary with East Dean Road, largely covered in ivy and weeds.

### **Relevant Planning History:**

130397

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.

Outline (some reserved)

Refused 30 October 2015

131015

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.

Outline (some reserved)

Approved conditionally 12 March 2014

**Proposed development:**

Full planning permission is now sought for a three storey 58 bedroom residential care home with 20 parking spaces. The proposed building closely follows the form of the previous outline in terms of its shape (L shaped, but now with added wings on the side and rear) although it is larger, and pulled slightly forward towards East Dean Road. One of the main differences is the increase in bulk, most noticeably on the top floor, where the previous scheme included rooms in the roof, but are now full height rooms under a pitched roof. Overall, there is no increase in height when compared to the previous approval. The current scheme has been revised at the request of officers to reduce the height in some parts, to re-orientate some windows and to remove balconies on the rear elevation.

The proposed building would be principally brick with areas of render and artificial stone under a concrete tiled roof; the windows and doors would be a mixture of aluminium and UPVC, whilst the drive and parking areas would be tarmac and block paving. The application indicates that there would be low level bollard lighting to the car park and downlighters under the entrance canopy.

The number of staff to be employed is stated on the form to be 60.

As the site has industrial use and is mostly hard surfaced, the existing landscaping is principally around the edge. This comprises trees, ivy and weeds; whilst none is noteworthy in itself, there is some group and screening value, particularly to East Dean Road and Downside Close.

**Consultations:**Internal:

Environment Agency - permission could be granted subject to conditions to secure remediation works to avoid an unacceptable risk to the environment.

Specialist Advisor (Arboriculture) - some of the rooms will be dark due to the proximity to the high bank and trees, and is likely to lead to requests to fell trees for light purposes. For this reason, permission on the grounds that the trees screen the development should not be considered. It is suggested that a landscaping scheme that enhances the development rather than hiding it is conditioned, which could retain some of the trees, but supplement them with a more suitable planting plan which allows for longevity without future conflict.

Specialist Advisor (Economic Development) - supports the proposal as it would maximise the use of an established employment site. The application falls within the local Employment and Training Technical Guidance Note threshold for commercial development, therefore it is requested that any approval is subject to a Local Labour Agreement.

Specialist Advisor (Environmental Health) - conditions should be attached to any permission regarding noise and fumes from mechanical extraction/ventilation.

Highways ESCC - The ESCC Parking guidance recommends 1 space is provided per 4 rooms plus 1 space per proprietor or resident staff which equates to a need for 15 spaces. In addition 2 disabled parking bays are also required. The 20 spaces proposed

is therefore acceptable as it exceeds the guidance. The cycle parking proposed is appropriate in terms of the number but no details have been provided of the type/style to be used so its suitability for long term use (covered & secure) cannot be established. A condition is suggested to require submission of details

Specialist Advisor (Planning Policy) - support the application because (1) the site is not of strategic economic importance and residential is an acceptable alternative use, (2) the proposal complies with the Old Town neighbourhood policy and delivers residential through redevelopment of commercial premises, (3) there is an identified need for C2 (residential care) use and the site is in a sustainable and accessible location on a public transport route, and (4) it conforms to changes of use policy HO9

External:

Southern Water - no response

#### Neighbour Representations:

Sixteen objections have been received and cover the following points:

- The amended plans have made no difference to the detrimental impact of the scheme; it is still an overdevelopment and a significant increase on the previously approved scheme
- The amended plans have reduced some aspects of overlooking to 2 Downside Close, but has made it worse for 50 East Dean Road; the reduced section now has a flat roof and looks unsightly
- The plans are misleading; the section North to South only shows a two storey element alongside Longland Road, where the houses will be dominated by all three storeys
- Lack of dimensions on the plans and levels
- Most of the buildings on the site are single storey and the proposed three storey building will be visually obtrusive, dominating the surrounding area and resulting in overshadowing, loss of light and loss of privacy. The properties in Longland Road will have a building 15m high towering over them
- The houses in Longland Road will be overshadowed all day, and will suffer dramatic loss of light in the winter months
- With the home being in constant use 24 hours a day, three floors of numerous windows will directly look into bedrooms and other rooms in the rear, with no privacy at any time – even the trees on the boundary will be gone (Longland Road)
- Direct overlooking of Downside Close; has a daylight/sunlight assessment been carried out?
- A total of 26 days of sunshine in the mornings will be lost between 20 January and 15 February to the solar panels on 17 Downside Close
- The development does not provide enough parking for staff and visitors, and will spill into the surrounding residential roads which are already overcrowded
- The statements submitted with application state it is a care home therefore has adequate parking, however the Design & Access statement states it is a state of the art care home catering for nursing care and dementia which will require more parking. The statement that car ownership among care workers is low is challenged; an 2009 RAC report showed that more than half of low income households have a car, and ownership of cars is the highest in south east England
- Not enough information has been submitted regarding discharge from the laundry

- Contamination – what action will the Council take to warn residents of the impending demolition so that they can take preventative measures to stop the possibility of migrating asbestos dust and fibres and other pollutants?
- What measures will be taken to supervise the demolition to protect the health and safety of local residents?
- Safety of the 200 year old flint boundary wall, currently held up by the chalk bank; how will it be stabilised? There is no risk assessment
- A two storey building would be more appropriate, but if it has to be three storeys, then it should have a flat roof, or very low pitch; the tiles should match the surrounding properties, as should the brick
- Additional noise, pollution and traffic day and night is inappropriate for the area
- The nature of the site and its steep slopes make it unsuitable for vulnerable people; the entrance/access in particular is dangerous

One letter of support has been submitted, commenting that a well placed building would enhance the area.

### **Appraisal:**

The main considerations in the determination of this application are the impact of the height, scale and massing of the proposed building on surrounding residential amenity, its impact on the character and appearance of the area, trees, highway safety considerations and the provision of sufficient car parking spaces for staff and residents.

### Principle of development:

The principle of the development has been established by the previous outline approval, and therefore the loss of the former B1 uses needs no justification.

A C2 residential care home is considered an appropriate use of the site, and the adopted plan recognises a need for this type of accommodation in the town.

### Residential amenity:

The current proposal largely follows the footprint of the previously approved scheme, but has a simpler outline and is deeper and wider, resulting in an increase of approximately 170m<sup>2</sup> on the ground floor, and a total of 545m<sup>2</sup> over all three floors. The maximum height remains the same. The increase in bulk is concentrated at the four extremities of the building.

The impact on residents is concentrated on those immediately abutting site, i.e. 50 East Dean Road, 2 Downside Close and 1 to 23 Longland Road; the properties on the opposite side of East Dean Road facing the site are much less affected, and only then in respect of their views over the town.

50 East Dean Road – this property occupies much higher ground than the application site, so that much of the new building would be below the height of the boundary wall which separates the two sites. The top of the new building would be visible from no.50 as well as the top half of three bedroom windows, however, given the distance to the boundary wall – 16.8m – it is considered that this is acceptable. The part of the building which has been “added” to the new scheme at this end of the building has been reduced to two storeys with a flat roof to reduce its impact, and should not be visible to no.50.

2 Downside Close – this property occupies a steeply sloping site with a garden which narrows to a point. The ridge of this property would be roughly level with that of the proposed building, and the gap between them would be approximately 9m at its closest point. The building would be further away as it progresses alongside the boundary wall so that the first and second floor windows would be approximately 10m from the boundary; at second floor level, the closest windows have been changed to rooflights (acceptable to CQC for dayspace) and the bedrooms originally facing the rear elevation of no.2 have been turned to face the boundary wall from the boundary, so at this point they would be 14m from the boundary wall. As detailed above, the two storey element should not exceed the height of the boundary wall, and would not have bedroom windows at first floor level.

1 to 23 Longland Road – these properties are at a much lower level than the application site, and the eaves are approximately 1-1.5m above the current ground level of the application site. Any building on the site would have an impact on these dwellings, as is the case now, and the principle of this has been established by the previous approval. The proposed building would be bulkier, but has been pulled away from the boundary by a small amount, although it is closer in others. Overall it is considered that the current proposal would have the same impact as the previous scheme. At its closest points windows have been removed, and service rooms such as the laundry on the first floor have been located there.

Overall, it is considered that the amended scheme has resulted in no increased impact on residential amenity over and above the previous approval. Issues such as boundary treatments, noise from ventilation and external lighting will need to be controlled by condition to take into account the potential impact on adjoining residents.

#### Character and appearance of the area:

The design of the proposed building is residential in character, although it is unremarkable in that respect. It would be similar to many modern blocks of flats, and as such would not stand out from its surroundings, being of brick and render under a pitched roof. Notwithstanding this, there are some concerns regarding the proposed roof material, which is a large concrete tiled which is supposed to resemble slate. Whilst some of the existing buildings are roofed in slate, they are natural slate which has aged accordingly. Most of the surrounding residential properties are red or orange clay, and because the roof would be such a prominent feature in the streetscene, due to the buildings length and the sloping nature of the site, it is considered that the roof should be finished in a small element red tile.

#### Impacts on trees:

Whilst some of the trees on the site provide good screening, much of the front boundary is weed and ivy, which will soon take over the remaining trees, some of which have already been lost to Dutch elm disease (and more likely to follow). It is considered, in agreement with the Council's Specialist Advisor (Arboriculture, that it would be better to remove all the screening to East Dean Road and much of it along the boundary with 2 Downside Close and 50 East Dean Road to enable a better scheme for the future to be implemented. A significant amount of the vegetation along the boundary with these two properties would need to be removed in any case in order to reinforce the large bank here (which also supports the brick and flint boundary wall dating from the time of the former Gildredge Hospital). This will need to be controlled by condition.

#### Highway safety and parking:

The number of parking spaces on the site is considered to be adequate for the use proposed. The previous uses would have generated a similar demand for parking and vehicle movements. The site is located on a well served bus route linking the site to Eastbourne town centre as well as the coastal routes; the site is therefore located in a reasonably sustainable area in transport terms. The Highway Authority raises no issues with the use or the level of parking provided.

#### Other matters:

Issues regarding the contamination of the site by previous uses would be dealt with by condition.

#### **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 proposal generally meets the prescribed criteria set out in Policy H017 in that the site is located in a sustainable and accessible location near to public transport routes, and the scheme's design is functional to the needs of its occupants. The proposed change of use is therefore supported by National Planning Policy and Policy C4 of the Eastbourne Core Strategy.

It is considered that the amended scheme would have an acceptable impact on the amenities of nearby residents. The proposal would result in some loss of sunlight and outlook from nearby dwellings, but it is considered that it would not be significantly harmful to justify refusal of permission.

The site is located close to a well served bus route linking the site to Eastbourne town centre as well as the coastal route. The site is therefore located in a reasonably sustainable area in transport terms, and the use and level of parking provided on site would have no impact on highway safety.

Overall, it is considered that the proposed redevelopment of the site is acceptable and accords with national and local planning policy.

#### **Recommendation:**

##### **Conditions:**

1. Commencement within three years
2. Compliance with approved plans
3. Submission of details of a Construction Environmental Management Plan
4. Submission of details of Phase II Soil Investigation report
5. Submission of samples of materials
6. Submission of a landscape scheme and boundary treatments

7. Submission of details of retaining walls to the bank adjacent to 50 East Dean Road and 2 Downside Close
8. Tree protection
9. Submission of details of a landscape management plan
10. Retention of trees
11. No burning on site
12. No imported material other than clean, uncontaminated material
13. Submission of details of ground levels
14. Submission of details of an external lighting scheme for the building and grounds
15. Hours of operation during construction
16. Submission of details of a Traffic Management Scheme, including wheel washing facilities
17. Details of secure cycle parking
18. Submission of details of ventilation scheme & ducts
19. Parking to be provided as approved prior to occupation

**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**.