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| <b>APPLICATION NUMBER:</b> | LW/18/0268   |                       |                                       |
| <b>APPLICANTS NAME(S):</b> | 9 Points Property Ltd  | <b>PARISH / WARD:</b> | Newhaven / Newhaven Denton & Meeching |
| <b>PROPOSAL:</b>           | Planning Application for Variation of condition 2 relating to planning approval LW/16/0634 to provide for an additional occupant within the residential home |                       |                                       |
| <b>SITE ADDRESS:</b>       | Pleasant House Palmerston Road Newhaven East Sussex BN9 0NS  |                       |                                       |
| <b>GRID REF:</b>           | TQ 45 02   |                       |                                       |



## **SITE DESCRIPTION / PROPOSAL**

1.1 The site is a detached house, comprising a children's home with five resident children, which (notwithstanding the site name on the application) is Hilltop House. The house is at the corner of Palmerston Road and Fairholme Road, which are unmade roads, and opposite Howey Crescent. The site is principally accessed from Palmeston Road, off Seaview Road.

1.2 The site is within, but on the edge of, the Planning Boundary for Newhaven in the JCS. Access to the site iust through the Mount Pleasant residential area, while beyond the site is the open countryside.

1.3 The permission for the house to be used as a children's home (use class C2 of the Use Classes Order) was given on 3 November 2016. A planning condition stated that "The premises shall be used for accommodating up to five children in a residential children's home....." The reason for the condition was "In the interest of residential amenity having regard to policies ST3 of the Lewes District Local Plan and CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework".

1.4 This application proposes an increase in the number of resident children to six. The above condition would therefore be changed to "The premises shall be used for accommodating up to six children in a residential children's home....."

1.5 The covering letter with the application states that "the house is large enough to accommodate an additional resident and the applicant does not need to make physical changes to the application plans to facilitate this...". Further commentary on the applicant's submissions is given in section six of this report.

## **1. RELEVANT POLICIES**

**LDLP: – ST03 – Design, Form and Setting of Development**

## **2. PLANNING HISTORY**

**LW/16/0634 - Change of use from dwelling house to C2 (Residential Institution) - Approved**

## **3. REPRESENTATIONS FROM STANDARD CONSULTEES**

**4.1 Newhaven Town Council – Object on the following grounds:**

- Concerns raised as residency only commenced in October 2017 so these changes are very soon after implementation.
- Impact on parking for the residents which is likely to increase in demand by an addition student proposed.
- Insufficient parking which currently is causing negative impacts on nearby properties.
- Already poor on street parking.
- Unneighbourly noise issues which are likely to intensify with an additional student.

4.2 Note - Members requested that Environmental Health be approached to investigate noise and public amenity impacts.

#### **4.3 Environmental Health – The EHO has commented as follows:**

4.4 "There are comments from local residents/Town Council as to complaints of noise [shouting] & excessive artificial light. I have searched under Pleasant House & Compass Children's Home on M3 & there are NO complaints registered. Other comments as to parking, I will leave to highways. Thus I have no objections".

#### **4. REPRESENTATIONS FROM LOCAL RESIDENTS**

5.1 Seven local objections (from the neighbouring properties in Palmerston and Fairholme Roads, and in Howey Close), have been received on grounds that:

- An extra child would mean extra staff, with additional traffic and pressure for on-road parking;
- Parking congestion is frequently an issue;
- The extra child will lead to more noise and disturbance in the locality. One resident has commented "Noise.....is bad enough now without adding to it. The shouting and swearing can be heard throughout (Howey) Close....";
- The home is in the wrong place, "...this was a quiet rural part of Newhaven but sadly it is not anymore";
- The parking situation would not allow a fire engine through to the upper road;
- Upper floor lighting is extremely bright and is left on all night, causing light pollution and disturbance for local residents;
- Assurances that were made in the original application have simply not been kept.
- Staff block the road and the road has been damaged, the rubbish bins outside the front are unsightly, the noise pollution created by the boys is irritating and the back bedrooms cause overlooking.

5.2 Also:

- Contextual Significance.
- Effect on AONB.
- Flooding.
- Inadequate Access.
- Noise and Disturbance.
- Overbearing Building/Structure.
- Parking Issues.
- Traffic Generation.
- Within the Conservation Area.

5.3 The applicant's agent has commented that (summarised):

- a. Whilst five residents was applied for at the time, it could equally have been six and I doubt that the additional number would have made any difference in the planning balance in reaching the decision at the time.
- b. No further staff will be required to facilitate the sixth resident. There will be no additional associated car movements.
- c. Whether it is quiet or noisy, one additional resident cannot be considered to change the situation to a materially significant degree.
- d. The lack of formal complaints seems conclusive that there is not a problem with the existing residents such that a sixth occupant would materially change the situation.

- e. There is no restriction on cars parking on the street around the property.
- f. I do not believe any professional noise or highway consultant would successfully be able to argue that a single additional person could tip the planning balance into the negative in relation to this application.
- g. Finally, the importance of providing a home space for a new resident who might otherwise not have the advantage of the kind of experience offered by Pleasant House needs to be considered. The NPPF identifies that planning should play a Social Role, supporting healthy communities and meeting the needs of present and future generations.

## **5. PLANNING CONSIDERATIONS**

6.1 The position is that the house is large enough to accommodate an additional resident without any physical changes. Furthermore, there is sufficient capacity within existing staffing levels to accommodate an additional resident without extra staff. The assessment of this application should therefore concentrate on whether the additional resident would cause an over-intensive use, which would materially increase harm to the living conditions of nearby residents.

6.2 The issue of noise and disturbance is clearly of local concern. However, it does not necessarily follow that one extra resident would result in an increase in noise and disturbance in the locality. Factors which influence whether that would be the case or not include the behaviour of the individual resident and supervisory measures to manage any disturbance which does arise.

6.3 As the proposed increase in occupation is one (as opposed to, say, five) it is considered difficult to argue that the proposed increase in occupation amounts to an over intensive use of the property.

6.4 The case officer met the manager of Hilltop House at the premises soon after it opened in November 2016. Following consultation on this application and the issues raised about noise and parking, officers have been back in touch with the manager to request that staff are advised to park considerately (and perhaps further away) from the premises and that noise should, of course, be controlled as far as is reasonably possible.

6.5 The premises do fulfil a role in providing accommodation and support for the young people in occupation, and the application would provide a further space.

6.6 In the circumstances, this small increase in occupancy is considered to be acceptable in planning terms and approval is recommended.

## **6. RECOMMENDATION**

That planning permission be granted.

### **The application is subject to the following conditions:**

1. The premises shall be used for accommodating up to six children in a residential children's home; and for no other purpose (including any other purpose in Class C2 (therefore C2a); of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interest of residential amenity having regard to policies ST3 of the Lewes District Local Plan and CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

### **INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **This decision is based on the following submitted plans/documents:**

| <u>PLAN TYPE</u>          | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|---------------------------|----------------------|------------------|
| Design & Access Statement | 27 March 2018        |                  |