

Delegated Officer Report -

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| App.No: 240525 (PPP) | Decision Due Date: 13 November 2024 | Ward: Meads |
| Officer: Emma Wachiuri | Site visit date: | Type: Planning Permission |
| Site Notice(s) Expiry date: 17 October 2024 Neighbour Con Expiry: Press Notice(s): 4 October 2024 | | |
| Over 8/13 week reason: | | |
| Location: 25 Lushington Road, Eastbourne | | |
| Proposal: Change of use from Commercial, Business and Service (Class E) to Residential institution (Class C2) | | |
| Applicant: Mr M Singh | | |
| Recommendation: Approve conditionally | | |

Planning Status:

Office (Class E)

Constraints:

Building of Local Interest

R K Blessley

1867/8

1

Conservation Area

Town Centre and Seafront Conservation Area

Convenants

Gilbert Estate

Source Protection Zones

2

Relevant Planning Policies

NPPF 2023

Eastbourne Core Strategy Local Plan 2006-2027

B1: Spatial Development Strategy and Distribution -Sustainable Centre/Sustainable Neighbourhood

C1: Town Centre Neighbourhood Policy

D5: Housing -Low Value Neighbourhoods

D10: Historic Environment -Building of Local Interest
D10: Historic Environment -Conservation Area

Eastbourne Borough Plan 2001-2011

HO2: Predominantly Residential Areas
H017: Supported and Special Needs Housing
UHT15: Conservation Area
UHT18: Buildings of Local Interest
NE14: Source Protection Z

Site Description:

The site comprises a mid-terrace property of 19th century origin. The terrace carries a distinctive appearance being constructed of a London Stock brick as opposed to the typical Wealden red brick. The brick elevations are embellished with a number of stucco details including quoins, rustication and various details surrounding window apertures.

The site is located within Town Centre and Seafront Conservation Area, but the building is not statutorily listed. However, it is a Building of Local Interest.

The surrounding area is predominantly residential, but a number of properties are in mixed use of Class E commercial use and residential flats.

Relevant Planning History:

EB/1983/0059
C/U FROM HOUSE TO CONSULTING ROOMS ON GRD & F/FL AND 1 BED FLAT ON 2ND
FLOOR APP.ORIG REFUSED. ENF.NOTICE ISSUED AND QUASHED ON APPEAL.
PLANNING PERMISSION GRANTED
Approved Conditional
1984-04-18

EB/1982/0420
C/U OF F/FL FROM RES TO CONSULTING ROOMS
Approved Conditional
1982-11-30

EB/1982/0246
C/U OF GRD/FL TO PROF CONSULTING ROOMS FOR MEDICIAL PROFESSION
Approved Conditional
1982-07-27

EB/1951/0264
CONT OF USE AS 1 FLAT AND 1 MAIS
Refused
1951-09-20

940652
Change of use from offices and flat to single private dwelling.
Planning Permission
Approved unconditionally
27/10/1994

230220

Prior notification for proposed change of use from Commercial,
Business and Service (Class E) to Dwellinghouses (Class C3)
Prior Approval Class MA
Approved conditionally
12/05/2023

Neighbouring sites

040302 – 27 Lushington Road

Change of use of part of ground floor flat from residential use to office use.
Planning Permission
Approved conditionally
19/07/2004

980132 - 27 Lushington Road

Conversion of existing dwelling into three flats.
Planning Permission
Approved conditionally
16/07/1998

060099 - 23 Lushington Road

Change of use of ground floor from residential (Class C3) to medical
consulting rooms (Class D1) together with change of use of first
floor from residential to office use (Class B1) and retention of the
second floor in residential use (Class C3) as a one -bedroom flat.
Planning Permission
Approved conditionally
08/05/2006

200189 - 23 Lushington Road

Change of use from mixed use as medical consulting rooms (Class D1)
and residential use (Class C3) to single residential use (Class C3)
Planning Permission
Approved conditionally
14/04/2020

230606 - 23 Lushington Road

Change of use from C3 (Dwelling House) to C2 (Residential
Institution) as assisted living accommodation for children, with a
maximum occupancy of six residents
Planning Permission
Approved conditionally
10/11/2023

Proposed development:

Planning permission is being sought for the change of use from Commercial, Business and Service
(Class E) to Residential institution (Class C2).

The living accommodation will have up to 5 occupants, carers will not live on site but there will be a
24-hour presence of carers working on a shift basis.

Consultations:

Internal:

Specialist Advisor (Environmental Health)

No comment received

Specialist Advisor (Planning Policy)

No response

Specialist Advisor (Conservation)

This application seeks permission for a change of use at this property forming part of the Town Centre and Seafront Conservation Area from Class E to Class C2, in order for it to become an residential setting provided assisted living for children with learning difficulties and autism.

No physical changes will be carried out to the exterior of the property and there is no significant concern about any adverse effect on the character and appearance of the conservation area.

Accordingly, no objection is required.

Assessment: No objection

External:

None

Neighbour Representations:

Public notification regarding the application has been undertaken in the following ways:

- Letters have been sent to all registered properties adjoining the application site;
- A site notice has been displayed in the vicinity of the application site;

Four comments (all associated with no.27 Lushington Road) have been received following public notification regarding the application, which raise objection on the following material planning considerations:

1. Noise and disturbance frequent from traffic, staff changes, deliveries, and emergency services on vulnerable residents at 27 Lushington Road
2. Lack of noise mitigation measures
3. Unsuitable location for further residential institutions adding another residential institution will place undue strain on the local environment and the residents

Officer Response: The property can be used as a single family dwelling house with no upper limit in terms of occupancy and thus the proposed use as a C2 care home of up to 5 occupants is not considered to result in noise levels higher than that of a residential property

Appraisal:**Principle of development**

Saved Policy H017 of the Local Plan states that proposals for specialist and supported forms of housing for the elderly and those requiring care will be encouraged in areas that are accessible by a choice of means of transport and that are situated in close proximity to key local services.

Supported housing (including hostels) and residential care homes will not be permitted in the tourist accommodation area defined in saved Policy TO1.

The application site is located within a highly sustainable location but is not within the tourist accommodation area. The proposed use is compliant with Saved Policy H017 of the Local Plan and so

the principle of development is considered to be acceptable subject to material considerations, as discussed below.

Impact upon the amenity of neighbouring occupants

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 135 of the NPPF.

Concerns have been raised that the change of use would generate greater levels of noise and disturbance than the existing authorised residential use, however there is insufficient evidence to support this. In terms of management plan, carers would be present on site in shifts between the hours of 7.30 and 22.30 and night shift between 10pm and 8am, ensuring the property is not left unstaffed. This is considered to provide a sufficient level of support to residents and would replicate the structure of a family dwelling as well as providing one-to-one care for residents, ensuring appropriate monitoring and care.

The change of use will not have negative impact on the amenities of the surrounding occupiers, the change is still within the Class C use class and a residential institution is not considered to be out of keeping with the character of the area.

Impact upon the amenity of future occupants

Relevant policy: Policy B2 (Creating Sustainable Development) of the Eastbourne Core Strategy 2013, saved policy HO20 (Residential Amenity) of the Eastbourne Borough Plan 2003 and para. 135 of the NPPF.

The application site is currently an office (Class E), the gross internal area of the property and the bedroom sizes are all compliant with the nationally described space standards and provide a good level of accommodation for occupiers.

The property will be used to house up to 5 occupants who will be between the ages of 8-14 with learning difficulties. There will be staff on site 24 hours a day but will not live on-site.

From the planning statement submitted the home will support the children to attend local education and to engage with the local community.

Design quality and impact upon the street scene and visual amenity of the conservation area

Relevant policy: Policy D10a (Design), Policy D10 (Historic Environment) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development), UHT4 (Visual Amenity) and UHT15 (Protection of Conservation Areas) of the Eastbourne Borough Plan 2003 and paragraph 135 and paras. 205-208 of the NPPF

There are no external changes proposed to the property and therefore no impact upon the street scene and visual amenity of the area.

The application site falls within the Town Centre and Seafront Conservation Area, as there are no changes proposed to the property, the surrounding conservation area will not be impacted.

Ecology and Biodiversity

Given the nature and scale the development is subject to the de minimis exemption (development below the threshold) from the 10% BNG requirement.

Impact upon highway network, access and/or pedestrian/highway safety

Relevant policy: Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy 2013 and policies TR7 and UHT1 (Design of New Development) of the Eastbourne Borough Plan 2003 and para. 116 of the NPPF.

The property given its close proximity to the town centre the site is in a highly sustainable location. There is hardstanding area to the rear to provide some off-street parking and a refuse bin storage area which is a similar arrangement noted in surrounding properties. It is not considered that the proposed C2 children's home would result in increased demand for parking over and beyond the existing.

The proposal is not considered to result in harmful impacts on highway network nor safety.

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 change of use will not have negative impact on the amenities of the surrounding occupiers, the change is still within the Class C use class and a residential institution is not considered to be out of keeping with the character of the area. Given the scale, the proposal is not considered to harm the residential amenity of the neighbouring occupiers.

The proposal is thus policy compliant.

Recommendation:

Approve conditionally

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**.