

## Delegated Officer Report

<b>App.No:</b> 240480 (PPP)	<b>Decision Due Date:</b> 14 November 2024	<b>Ward:</b> Upperton
<b>Officer:</b> Chloe Timm	<b>Site visit date:</b>	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 17 October 2024 <b>Neighbour Con Expiry:</b> 17 October 2024 <b>Press Notice(s):</b>		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> Holy Rosary Convent, 34 The Goffs, Eastbourne		
<b>Proposal:</b> Erection of single storey 8 bed residential unit associated with the wider HMO residential facility		
<b>Applicant:</b> A Green		
<b>Recommendation:</b> Refuse Planning Permission		

### Constraints:

TPO Trees at Henleaze, 23 Upperton Road  
 Public Sewer  
 Gilbert Estate Covenant  
 Archaeological Notification Area  
 Source Protection Zones 2 and 3  
 Bourne Stream  
 Environment Agency River Network

### Relevant Planning Policy:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan 2006-2027

B1 Spatial Development Strategy and Distribution  
 B2 Creating Sustainable Neighbourhood  
 C2 Upperton Neighbourhood Policy  
 D5 Housing  
 D10 Historic Environment  
 D10a Design

Eastbourne Borough Plan 2001-2011

HO2 Predominantly Residential Areas  
 HO20 Residential Amenity  
 NE14 Source Protection Zone  
 UHT1 Design of New Development  
 UHT4 Visual Amenity

**Site Description:**

The application site is a former convent building that has been converted into residential use and has been used as a 15 person House of Multiple Occupation since 2012. The site obtained planning permission May 2024 to amend the property and create a 16-bedroom HMO comprised of 12 bedrooms and 4 bedsits.

The application site a large plot of land accessed via The Goffs and is centrally located behind the properties along The Goffs and Upperton Road. The existing building is located to the western side of the plot with a large, landscaped garden behind it to the east. The front elevation of the building faces towards to the properties of Henleaze, sheltered accommodation on Upperton Road.

The north side elevation of the building forms part of the boundary wall to the properties of Woodhayes and Arran Hill on Upperton Road.

**Relevant Planning History:**

EB/1964/0346

Erection of Church.

Granted, subject to conditions.

1964-06-25

EB/1964/061

Incorporation of dwellinghouse with 'Holy Rosary Convent' to form community residence, ground floor addition on north-east elevation to form dining room and laundry, minor alterations, and formation of carpark.

Granted.

1964-11-05

EB/1965/0009

Incorporation of dwellinghouse with 'Holy Rosary Convent' to form community residence, ground floor addition on north-east elevation to form dining room and wash-up, minor alterations, and formation of carpark.

Granted.

1965-01-21

220638

Lawful Development Certificate for existing use as 15 person HMO (Sui Generis)

LD Certificate (existing)

Issued

28/09/2022

230755

Alterations to existing 12-bedroom, 15-person House of Multiple Occupation (HMO) including reconfiguration of internal layout to create a 16-bedroom HMO comprised of 12 bedrooms and 4 bedsit units, for a maximum number of occupiers is 23-persons. (Amended Description)

Planning Permission

Approved conditionally

20/05/2024

**Proposed development:**

The application seeks permission for the erection of a single storey building to form an 8-bedroom House of Multiple Occupation (HMO), in association with the existing HMO.

## **Consultations:**

### **County Archaeology**

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason, I have no further recommendations to make in this instance.

### **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;

28 comments have been received following public notification regarding the application, which raise objection on the following material planning considerations:

- Flood Risk
- Biodiversity Net Gain
- Overdevelopment
- Loss of Trees
- Impacts to ecology
- Design
- Highway Safety
- Parking
- Noise
- Light Pollution
- Privacy
- Poor quality accommodation
- Fire Risk

3 comments in support of the proposal have been received.

1 general observation other matters raised

- Property is no longer a convent and should not be named as such

It should be noted that multiple objections have been submitted by the same people, these are only counted as one.

## **Appraisal:**

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing. As of October 2023, Eastbourne is only able to demonstrate a 1.4 year supply of housing land, meaning that Eastbourne cannot demonstrate a five-year housing land supply. National policy and case law has shown that the demonstration of a five year supply is a key material consideration when determining housing applications and appeals. It also states that where relevant policies are out-of-date, permission should be granted *"unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole"*, (NPPF, paragraph 11). This approach, commonly referred to as applying a 'tilted balance' will be adopted in assessing the planning application.

HMOs form an important part of the housing mix within Eastbourne as they increase the range and mix of accommodation. The proposal is to extend the number of rooms provided on site by erecting a detached single storey building within the rear garden area of the site. The planning statement advises the building is to be occupied by those who have been discharged from hospital and are wheel-chair users.

Whilst HMOs contribute to the provision of housing for the Borough, the development is to extend an existing HMO, not provide a new HMO, this holds a limited amount of weight when considering the tilted balance.

#### **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. 130 of the NPPF.

The proposal would provide an additional 8no bedrooms, each room would be partitioned to provide a kitchenette area and a bedroom area. The rooms would be accessed via a single hallway and would be single aspect with patio doors located in the kitchenette areas leading to the deck area. The rooms would also have an internal connecting door to the room adjoining (bedrooms 1-2, 3-4, 5-6 and 7-8 would be connected to one another). The building would provide 2no shared wet rooms for the occupiers and a communal kitchen/living area.

Access to the new building would be via a ramp accessed via the side of the main property of 34 The Goffs. The ramp would be approximately 34m in length and would curve from the tarmacked area by the main building, through the garden area to the decking area of the building.

Access to light within the rooms will be limited due to being single aspect and due to trees within the garden area which will block access to natural light to the rooms.

The development would result in a poor level of accommodation for future occupiers.

#### **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. 130 of the NPPF.

The development will not impact upon the privacy of the occupiers that surround the site, the building would be single storey and would have an outlook that faces into the site garden area.

The development would not result in any overshadowing or loss of light to the adjoining occupiers due to the topography of the land and the building being single storey.

Concerns have been raised over anti-social behavior and noise from occupants of the site, an assumption on the activities of occupiers of the site does not form part of the planning process. The property is an existing HMO, which is residential use, residential use is in keeping with the surrounding area. Should any nuisance occur on site, this would need to be reported to the Environment Protection Team for their investigation under separate legislation.

#### **Design quality and impact upon the street scene and visual amenity of the area:**

Relevant policy: Policy D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (Visual Amenity) of the Eastbourne Borough Plan 2003 and paragraph 135 of the NPPF

This application is an extension to the provision of an existing HMO in the form of a timber framed and weatherboarded single storey flat roof building. The single storey flat roof building is considered to be out of keeping with the character of the application site and the surrounding area.

The topography of the site would result in the building being required to be 600mm above ground level on the north-western side and 300mm above ground level to the south-eastern side using suspended timber on screw piles.

Whilst it is noted the development would not be visible within the street scene, the mass and scale of the building will have a detrimental impact on the visual amenity of the site and will cause visual harm to the character of the existing building and will change the visual character of the site.

**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 application does not propose any additional parking provision for the 8no new rooms to be provided.

The application site is located in a sustainable location close to the town centre, the site is opposite Gildredge Park and has local amenities heading west along The Goffs.

No details have been provided with regards to additional refuse, recycling, cycle storage or mobility storage and charging.

**Sustainable drainage considerations**

Relevant policy: Policy B2 (Creating Sustainable Development) and D9 (Natural Environment) of the Eastbourne Core Strategy 2013, policy NE4 (Sustainable Drainage Systems) of the Eastbourne Borough Plan 2003 and para. 173 of the NPPF.

The preliminary drainage assessment advises infiltration has been ruled out as a viable method for surface water disposal due to there not being enough space for soakaways to be positioned away from on-site and boundary structures. The proposal is to discharge water via a pumping chamber into the public sewer. An attenuation tank approximately 17m<sup>3</sup> will be provided to accommodate storm flows without flooding on or off site including 100 year + 45% climate change storm return period.

**Ecology and Biodiversity:**

The Environment Act (2021) includes the provision to amend the Town and Country Planning Act (1990) in order to require at least 10% biodiversity net gain (BNG) for all new development to be delivered as a condition of a planning permission. However, some developments are exempt from BNG requirements.

The proposed development relates to a development that would impact upon more than 25m<sup>2</sup> of onsite habitat and is therefore required to demonstrate a 10% biodiversity net gain.

The preliminary ecological assessment (pea) advises the habitat impacted by the development would consist of an area of lawn, shrubs and trees.

6no trees would be required to be removed from the site in order to make way for the development, as well as a reduction to 2no trees on site. Root protection areas would be set up to ensure the health and protection of trees which are to remain that have the potential to be impacted by the development.

It should be noted that there are no restrictions to tree works on trees located within the applicaiotn site.

The pea advises there is potential for breeding birds within the site, but no other impact to protected species.

The BNG Metric provied with the application indicated a 52.67% biodiversity net loss as a result of the development proposed. The PEA advises due to the size of the site and existng habitats, there is no scope for an increase of 10% increase on-site and the development would require the purchase of habitat units from a habitat bank outside of the county. This is a significant loss and it felt to have a detrimental impact upon the site, whilst it is proposed to purchase habitat credits it is such a significant change in the biodiversity with no attempt to improve the situation on site.

There is a further concern with regards to access to light within the proposed rooms and the potential requirement for trees retained within this application to be removed in the future to improve the amenity of the residential occupiers. The proposed rooms will have limited access to natural light due to being single aspect and due to trees within the garden area blocking access to natural light.

#### Other Matters

The flood risk assessment has not been fully assessed, due to the application being recommended for refusal on other matters, it was felt that the requirement to wait for a consultation response would unnecessarily delay the determination of the application and would not alter the decision.

#### 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:

HMOs contribute towards delivering the housing need and significant weight should be applied to the provision of housing. The development would result in the provision of poor living accommodation for future occupiers, would be of a design that is not in keeping with the character of the site or the surrounding area and would result in a net loss in biodiversity on the site. The application is found to be contrary to national and local planning policies.

#### Recommendation:

Refuse Planning Permission

#### 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**.