

Report to: PLANNING COMMITTEE

Date: 16 July 2014

Report from: Development Manager

Application Address: 13-14 Linton Road, Hastings, TN34 1TW
Proposal: Change of use from former care home to supported living accommodation (sui generis)

Application No: HS/FA/14/00055

Recommendation: Grant permission

Ward: BRAYBROOKE
File No: LI75013/014
Applicant: Mrs Kulendran per Realm Consultancy 69 Eldon Road Caterham Surrey CR3 5JT

Interest: Freeholder
Existing Use: Care home

Policies

Hastings Local Plan 2004: DG1, H4, DG2
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: H2, H4, SC1
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, HC2

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 42
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

It is proposed to use this former care home to provide supported accommodation. There has been a considerable amount of local concern but providing there is support on site 24 hours a day the use is considered to be acceptable in this location and it is recommended that permission is granted.

The Site and its Location

The site is located on a prominent corner plot fronting on to Linton Road and Winterbourne Close. The property is located on the west side of Linton Road where, due to the sloping

land levels, the properties are set at a higher level than the highway and accessed via steps to the front. There is also access to the property from Winterbourne Close via a ramped walkway. The surrounding properties are made up of a mixture of large Victorian houses, some of which have been converted to flats, HMOs and smaller detached private dwelling houses.

The building was originally constructed as two large residential properties and was later converted to a care home in the 1970s.

Details of the Proposal and Other Background Information

This application is for the change of use from former care home to supported living accommodation. This will involve the splitting of No. 13-14 Linton Road into 3 independent units. The accommodation is to comprise 18 bedrooms, each in single occupation, 11 of which would have ensuite facilities. In addition there would be communal bathrooms, living/dining areas, kitchens and office space. One of the 18 bedrooms has been allocated for the '24 hour presence' member of staff. It is also proposed to create private gardens for the three units.

The previously submitted application HS/FA/13/00610 was for a proposal which involved the conversion of the site into 3 units each to be used as an HMO. This use would have fallen under the C4 use class. In this instance as the proposed use has altered to include 'supported living accommodation' and as a result is now considered to be a Sui Generis use.

The agent has stated that potential residents would be vetted by Social Services prior to placement within the units. The agent goes on to say that each resident would be visited regularly by their social worker. This adds further weight to the consideration that this is the use does not fall within one of the classes in the Use Classes Order and is a Sui Generis use. The only external alterations are to the access doors on the flank elevation serving No. 13a.

During the consideration of the application additional information was requested from the agent in relation to the general day to day running of supported living accommodation. These questions included the working patterns for the staff, clarification over the occupation of the units and the security of the residents.

The agent confirmed that there will be staff attending site during normal working hours, i.e. 08.30 till 17.00 to provide all support needed by the occupants. This will not only involve staff employed by the applicant but also County Council staff. There will also be a member of staff who lives within five minutes walk of the site who will be on a 24 hour call and a member of staff on-site continuously, with 12-hour shifts.

Previous Site History

HS/FA/13/00610 Change of use from C2 (care home) to C4, 3x6 bed house in multiple occupation (HMO) - Refused - 02/ October 2013 for the following reason:

The proposal would represent an over intensive use of the property which would be likely to cause increased noise and disturbance to neighbouring residents and would materially undermine and weaken the character of the area.

As such the proposal conflicts with Policies DG1 (f) of the Hastings

Local Plan 2004, Policy DM3 (a) of the Development Management Plan Proposed Submission Version and Policy SC1 (e) of the Hastings Planning Strategy Proposed Submission Version.

POLICY DG1 - Development Form

In determining planning applications, the Council will have regard to the following considerations:

- a) The full and efficient use of land;
- b) Sympathy with the appearance and character of the area and suitability in scale, massing, design, appearance, materials, layout and siting, both in itself and in relation to nearby buildings (including parts of buildings), spaces and views;
- c) Respect for site levels and characteristics, potential for development and inclusion of good quality hard and soft landscaping, including the retention of trees or other features of importance;
- d) Adequate space for private and public use (including children's play space) and visual amenity;
- e) Suitable layout and design features to ensure personal and general safety and security;
- f) Protection of living conditions of existing and future occupants from, for example, noise, dominance and loss of outlook, light and privacy;
- g) Sufficient information to ensure full assessment of the likely effects of the proposal; and
- h) Safety and convenience on the public highway.

Policy DM3 – General Amenity

In order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

- a) The use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.
- b) There is adequate space for storage of waste and the means for its removal (where appropriate, turning areas for refuse vehicles). This includes provision for the general management of recyclable materials. Space will also be required for necessary servicing areas, ancillary structures and landscaping.
- c) A means of landscaping that contributes to crime prevention; a permeable and legible network of routes and spaces, including "Green Infrastructure" to create a public realm that is attractive, overlooked and safe is included.
- d) Considerate design solutions for the spaces between and around buildings are shown. This should respect the character of the surroundings; a well-designed scheme in terms of private, semi-private and public open space, to include, where appropriate, the provision of public art.

- e) Arrangements are in place for the future maintenance of any public areas.
- f) Dwellings are designed to allow residents to live comfortably and conveniently with sufficient internal space. The guidelines for minimum internal floor areas are: 1 bedroom/2 person 51m²; 2 bedroom/3 person 66m²; 2 bedroom/ 4 person 77m²; 3 bedroom/5 person 93m²; 4 bedroom/6 person 106m²
- g) Appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.

POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way

Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:

- a) endeavouring to meet housing needs of all sectors of the community, including the provision of affordable housing
- b) providing access to education, training and jobs and supporting the creation of new enterprises to bring economic prosperity and greater self-sufficiency
- c) improving access and ease of mobility for all in new and existing developments, but especially for sensory and physically impaired or disabled people
- d) supporting the social, economic and environmental regeneration of disadvantaged areas and communities
- e) enhancing the cohesion and vitality of communities, providing neighbourhoods with a vibrant and accessible mix of flexible and compatible uses, services and community facilities
- f) requiring new development to make provision for fibre-based broadband infrastructure
- g) managing flood risk and reducing the potential effects of climate change on existing and future communities
- h) providing accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel, allow for ease of movement and provide safe environments
- i) requiring high quality distinctive architecture and urban design which adds to local character and sense of place
- j) reducing opportunities for crime and disorder through innovative design and the clear distinction of public and private space
- k) providing an accessible greenspace network and protection and enhancement of biodiversity
- l) protecting against light, air, water, land and noise pollution.
- m) supporting the move to a low carbon economy
- n) providing everyone with access to a good quality natural environment

HS/FA/87/00609 Erection of a two storey extension - Granted - 13 November 1987
HS/FA/72/01679 Use as an old peoples home - Granted - 01 December 1972

Details of Consultations

We have received 42 individual letters and a petition of objection to the proposals. The objections include concerns about the intensity of the use, the type of residents who might be accommodated, concerns about possible noise and disturbance and parking and highway issues.

When the application was originally submitted the **Highway Authority** had concerns with regard to the provision of adequate parking facilities within the site and the additional congestion on the public highway. However following on from the further information submitted during the application process, their recommendation for refusal has been withdrawn and the following comments submitted:-

This HT401 replaces my previous HT401 dated 24/02/2014.

Further to further evidence and information being submitted regarding the proposed change of use. Now that there is a better understanding regarding the proposal my previous recommendation for refusal is removed as the specifics of the change of use has been made clearer. It is my understanding that there will be very few vehicle movements for each person residing in the proposed new dwellings. It is my understanding that the car ownership level will be extremely rare. Therefore the requirement to provide additional car parking will not be necessary.

Should your committee be minded to approve the application, I recommend that any consent shall include the following attached condition:

- 1. The development shall not be occupied until cycle parking areas has 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 site is accessible by non car modes and to meet the objectives of sustainable development

Notes:

- 1. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with a minimum of three cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users. (Condition 6)*

The Waste and Streetscene Services Team - have requested that a bin store be erected of a suitable size and construction to accommodate adequate waste containers for the development. (Condition 5)

East Sussex County Council Adult Social Care do not believe there is demand for the women's service proposed in the application or for other supported living accommodation in the Hastings area as there is sufficient supported living accommodation to meet current demand for mental health and other placements.

They are therefore concerned that if permission is granted Adult Social Care may not be in a

position to utilise the accommodation units and there would be migration of clients from other local authority areas into Hastings to occupy this provision and they would not be able to provide the level of social work oversight as suggested in the applicants planning statement.

They also have concerns regarding the space standards of both the bedsits and single rooms, as well as the travelling distance some residents have to take via a number of rooms to reach the WC in number 14 Linton Rd and understand this part of the building (14 Linton Road) is currently occupied by up to 5 residents.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Residential amenity and character of the area

The proposal is for supported housing for vulnerable people rather than a residential care home or the previously sought HMO. It is considered that a condition could be imposed to ensure the premises remains for supported living rather than any alternate use in the future.

Although the proposal has only been slightly reduced in comparison to the previously proposed application, it is considered that the concerns of over intensity of the site are no longer sufficient to justify a refusal of permission. The three buildings are situated in a large plot and it is my opinion that the levels of activity would be comparable to three large family homes. The amenities of the neighbouring residents should therefore not be adversely affected.

Living and Environment

Hastings Borough Council has no accommodation standards for supported housing. However having assessed this proposal against the relevant standards for self-contained flats it is apparent that the bedrooms meet the space standards. Policy DM3 of the emerging DM plan introduces new standards for residential accommodation but due to the status of the plan it is considered this policy is afforded little weight at the present time. The room sizes would remain the same as for the previous use as a care home. Therefore the overall level of internal and external space is considered to be acceptable.

Parking and Highways

As stated above the original concerns raised by the Highway Authority have now been withdrawn.

The County Council have made it apparent that the residents placed within units such as these are unlikely to have the requirement for a vehicle or have one within their ownership.

In relation to staff and visitor parking, the potential comings and goings would be comparable to those of a care home of a similar size.

It is also apparent that the site, when previously used as a care home, had little parking provision.

Need

With regard to the issue of need, it should be noted that there are a multitude of reasons as to why a person may require supported living accommodation.

The agent stated that the term 'Supported Accommodation' covers those chosen by the County Council to be vulnerable. Having reviewed the East Sussex County Council - 'Pathways to support and independence: a strategy for supported housing and housing support in East Sussex 2013-2018'. This can include: People with a learning disability, people with mental ill health or disorder, people with a physical or sensory disability, people with multiple needs, young people including young parents and people at risk of domestic violence. The term 'vulnerable person' is clearly a broad umbrella covering a multitude of persons.

The County Council have confirmed that prior to placement within such accommodation as this, the residents are subject to a vetting process to assess their suitability for the site and their compatibility with the other residents. This is carried out to limit the risk to the individuals and the wider community.

While the County Council have raised concerns about the need for this type of facility in the town, in particular from the mental health point of view, this does not mean that there may not be a demand for another type of supported living, for example young parents. There is no policy in the local plan which requires this type of provision to be restricted to a local need.

Safety and Security

It is proposed to have a 24 hour presence on site with one of the bedrooms designated for use by this person(s). The agent has also detailed that there is an additional member of staff within a 5 minute walk of the site who will be on 24 hour call should an issue arise. Although the site will be staffed 24 hours a day it is not foreseen that the staff will act as security guards.

There will also be a buzzer entry system installed at the front doors to the building to ensure the occupants have control over who is able to access the building and the majority of visitors to the premises will be suitably qualified and, if necessary, registered care/social professionals.

Taking this in to account, I am of the opinion that this will ensure the safety and security of both the residents of the site and the neighbouring properties.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The premises shall not operate as supported living accommodation without

the on-site presence at all times in either 13 or 14 Linton Road of at least one member of staff who is able to provide adequate care and support to the residents.

3. The premises shall only be occupied and used as supported housing accommodation for vulnerable persons, with the provision of an element of care and support for the tenants of the premises and the presence on site at all times of a member of staff to provide that care and support. The premises shall at no time be used as a house of multiple occupation, general or free market housing.
4. Excluding staff, the three units shall not be occupied by more than a total of 17 residents at any one time.
5. The premises shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has 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.
6. The premises 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.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: P-01B, B-01B & P-02B

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenity of the neighbouring residential occupiers.
3. To ensure the proposal remains in accordance with the Local Planning policies.
4. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
5. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
6. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with a minimum of three cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.
7. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. Consideration should be given to the provision of a sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/14/00055 including all letters and documents