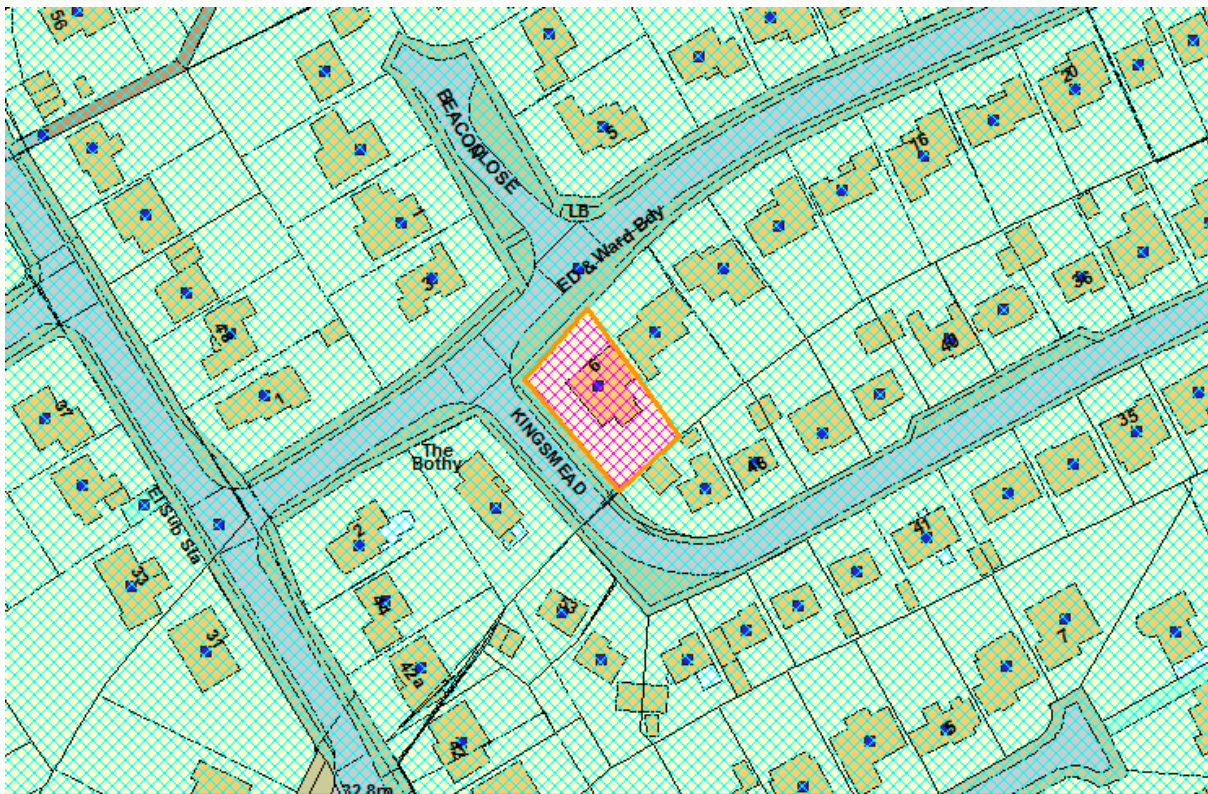


Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0849
Location: 6 Beacon Drive, Seaford, BN25 2JY
Proposal: Change of use from a C3 (dwelling house) to C2 (residential institution - to accommodate 5 children).
Applicant: Louise Whichelow-Ellis
Ward: Seaford Central
Recommendation: Grant planning permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development is considered to be acceptable and approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

Paragraph 61 states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies."

Paragraph 91 promotes "...healthy, inclusive and safe places".

2.2 Lewes District Local Plan

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP13 – Sustainable Travel

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 Design (including amenity)

2.3 Seaford Neighbourhood Plan

No relevant policies.

3. **Site Description**

- 3.1 The application site comprises a 6-bedroom detached house on the corner of Beacon Drive and Kingsmead, within the Seaford Planning Boundary. The house is set over three floors, utilising the roof space to create 2 bedrooms and a small shower room. There are 3 bedrooms are on the first floor, one with an en-suite shower room. At ground floor, there is a large kitchen/dining room with conservatory leading to the rear garden, a separate lounge, w.c. and bedroom 6. There are two interconnected garages at the front, accessed via a wide crossover. There is space at the front to park at up to 4 cars.
- 3.2 Beacon Drive and Kingsmead comprise mainly detached properties set in large plots, all with off-street parking for at least two vehicles. There are no parking restrictions in Beacon Drive or any of the surrounding streets.

4. **Proposed Development**

- 4.1 The application seeks change of use from C3a residential use to class C2 residential institution to provide therapeutic care for 5 vulnerable children, placed mainly by ESCC and Brighton & Hove City Council. The applicant has confirmed that although the intake will be children aged between 8 and 12, the home will be registered for children up to 18. This will allow a child settled before the age of 12 to remain in care rather than being placed elsewhere on reaching their 12th birthday. The placements are intended to be long term, with most children staying for 2-3 years.
- 4.2 The applicant manages another, similar facility in Kent – see rubiconchildrenshome.co.uk. The most recent OFSTED Report, following inspection in 2018 was 'GOOD'.
- 4.3 This extract from the applicant's supporting statement describes the purpose of the facility:

“We aim to be a stepping-stone that bridges children and young people’s need for a specialist, supervised and planned therapeutic environment and their equal need for a nurturing, family sized experience. We work with a wide range of mental health and attachment needs for children and young people as well as providing a step-down service for those who are moving on from Tier 4 (CAHMS) provision. Children in care have often experienced disorganisation or disruption in their early experiences of the world and relationships. As a result, children do not develop the skills that they need to manage themselves and the world around them – to use their thoughts and feelings constructively, to build and maintain relationships, to communicate effectively, to solve problems and think creatively”

- 4.4 Care and support will be provided by shifts of 5 staff during the day and 2 overnight. The night shift will have one member of staff awake and one sleeping over. The care staff will also do cooking, cleaning and other household duties, involving the children wherever possible. The day shift will start at 07:30 and finish at 21:00.
- 4.5 The children will attend school, although on occasion – e.g. where a move between schools creates a gap in attendance – a child would be professionally tutored off the premises. It is intended that the children’s daily routines will be as close to a family home situation as possible.
- 4.6 Each child would receive a statutory visit from the social worker every six weeks, which could take place at the home or in the community. Other external professionals would visit once a week during working hours. All other therapy sessions or family visits would take place outside of the home.
- 4.7 No external alterations are proposed.

5. **Relevant Planning History**

- 5.1 No relevant planning history.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 No response received.

6.2 Early Years Development Childcare Partner

- 6.2.1 No response.

6.3 Sussex Police

- 6.3.1 No response received.

6.4 ESCC Highways

- 6.4.1 Using the ESCC non-residential parking guidance Residential Schools should be provided with 1 space per resident staff plus 1 space per 2 other f/t staff on duty at any one time plus 1 space per 10 students over 17 years old. For Residential Care Homes 1 space per 4 beds for staff and visitors plus 1 space per proprietor. The proposal is to accommodate up to 5 children in the home with a maximum of 1:1 care staff during the day and 2 staff overnight.

- 6.4.2 Although the proposed use does not entirely match either of the use class as described in the ESCC Parking Guidance, it is likely that between 3 and 5 spaces are required at one time. The 3 spaces currently available are likely to be adequate; however, if overspill parking is required, I am satisfied that this can be accommodated on the surrounding highway network without significant issue.
- 6.4.3 A travel plan statement has also been suggested by the applicant which will help reduce the need for on street parking.
- 6.4.4 ESCC guidelines require all new dwelling to provide a covered and secure storage for cycles. It is noted that sufficient cycle parking storage has not been provided within the existing garages.
- 6.4.5 No details have been provided on the existing or proposed trips associated with the site. However, taking into consideration the size of the care home and the daily traffic flows (874 on Beacon Drive traffic movements) established within the speed survey the proposal is unlikely to have a severe impact on the highways or surrounding transport network.
- 6.4.6 The nearest bus stop to the site is located within 50m from the site on Beacon Drive, this service is the Seaford Town Service. Alternative bus stops are available on the A259 within 500m which provide a frequent service between Brighton and Eastbourne. The nearest train station is located in Seaford Town Centre approximately 1.2m from the site which provides frequent services to Newhaven, Lewes and Brighton. Therefore, it is considered that the site is located in an accessible location.
- 6.4.7 Although a travel plan statement is not a requirement of a development of this size, the applicant has suggested that there is potential to enhance sustainable transport modes therefore reduce parking demand associated with the site. The Travel Plan Statement submitted indicates that staff will be provided with information on public transport links and timetables and car share will also be encouraged. The measures put forward in the travel plan statement are welcomed.
- 6.4.8 Mindful of the above, I have no objection to the proposal subject to the inclusion of the following conditions:

The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

The development 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 in consultation with the Highway 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.

No part of the development shall be occupied until a Travel Plan Pack/Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

6.5 Seaford Town Council

6.5.1 RESOLVED to OBJECT to the applications on the following grounds:

- The need for staff parking and the additional traffic movements likely to be generated by the proposed C2 use would worsen the existing traffic and parking problems in the area. There would be no guarantee that the imposition of a Travel Plan would resolve these problems.
- The residential use proposed would be likely to be more intensive than the normal use of a single dwelling and likely to generate additional noise and disturbance which would be detrimental to the enjoyment of neighbouring properties
- There was a limited amount of recreational space at the property and in the locality of the property. Given the more intensive use proposed this would be detrimental to the occupants
- The nature of the proposed use could give rise to security concerns and additional police involvement with the property which would be detrimental to the amenity of the area.
- The assurances as to the use and supervision of the property given by the applicant were insufficient to meet the concerns of residents in the area.
- Members also requested that given the number and nature of the objections submitted from residents in the area the application should be determined at the District Council's Planning Applications Committee.

7. **Neighbour Representations**

7.1 Representations have been received from 34 local residents, objecting to the application for the following reasons:

Traffic generation

Additional traffic would lead to an increase in pollution

Parking on street would hinder buses

Increased demand for parking will hamper deliveries and emergency vehicles

Area does not have good public transport facilities so staff won't use buses or cycle to get to the site

Noise and disturbance to residents

No details about where children will be from or where they will be schooled

Area will become unsafe as there is no local police presence

Risk of unruly, loud, abusive and unstable teenagers in the area

Will devalue properties in the area

This is a quiet area with high percentage of retired people who brought houses here on the basis that it is a quiet area

This is a business run for profit, not suitable for a residential area

No fire risk assessment

Applicant's other home is in a business area in the main High Street so not comparable

Garden will be overlooked, concern for privacy of the children

House too small for this use, garden not big enough

Out of character for the area

House is designed for a family not children with complex needs

One resident lived close to a children's home previously, had to move because the noise and behaviour of residents was so bad

Loss of family home from the housing stock

Lack of amenities in the area for children and young people

Research shows that children's homes generate more police call outs

Volume of activity generated by staff, visitors, schooling will increase

Concern that external lights will be needed for safety of occupants

If approved, the property should revert back to a dwelling

Proposal would not provide any economic or social benefit

The emails of support are all from people who don't live in the area

Area will be a lot less desirable

7.2 There were also 5 representations of support:

Objections are based on assumptions that the children will be engaged in criminal activity. The local community should support these children to ensure they have the opportunities that most of us take for granted.

Objections seem to be based on unsubstantiated prejudice.

There are no significant parking problems in the area.

A house this size could generate high demand for parking.

There is sufficient amenity space on site and plenty of parks in the area.

There are several bus routes in the area and the station is a ten-minute walk away.

Children with these backgrounds/problems should have access to care in wholesome neighbourhood.

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations are parking and traffic generation and amenity of nearby residents.

8.2 Principle of development

8.2.1 The site is located within the planning boundary. The NPPF states that “...*the size type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.*”

8.2.2 Although there are no specific local plan policies relating to residential institutions, one of the aims of policy CP2 is “...*to develop and maintain sustainable, mixed and balanced communities to deliver an appropriate range of homes and accommodation to meet the identified needs of the district*”.

8.2.3 The applicant has provided correspondence from commissioners at ESCC and Brighton & Hove City Council confirming that placements in homes such as that proposed are required in the District.

8.2.4 The BHCC Commissioner states that the demand for placements of looked after children is increasing and that not all of them can be accommodated within the Local Authority boundary. The final paragraph of the letter says:

“The Council has a need to place more children/young people locally and would make referrals to a home based in Seaford offering therapeutic support.”

8.3 Parking and traffic generation

8.3.1 As noted above, there is off-street parking on the site as well as two garages. There is sufficient space for 3/4 cars on the forecourt and cycles for residents and staff can be stored in one of the garages.

8.3.2 The applicant has agreed to provide a Travel Plan for staff, aiming to reduce reliance on car use. This can be secured by condition and subsequently monitored for compliance.

8.3.3 The site is in a sustainable location, close to public transport networks. There is a bus stop opposite the site serving the 119 bus, which provides a circular service into Seaford town centre and access to local schools. Seaford railway station, town centre and beach are within 15 minutes’ walk from the site. Cycles for staff and residents can be stored in one of the garages.

8.3.4 ESCC Highways has considered the proposal and has raised no objections and has recommended conditions to be attached to the decision.

8.3.5 It is considered that the proposal meets the aims of policy CP13.

8.4 Amenity

8.4.1 Policy DM25 applies to all forms of development. Criterion (7) covers general amenity issues, including noise and levels of activity, although these are almost always applicable to non-residential uses where mitigation measures such as sound proofing and hours of operation can be introduced. Such measures would be unreasonable for a residential use.

8.4.2 Many of the objections raise concerns about noise disturbance and the behaviour of the future residents of the home, seemingly based on conjecture and anecdotal evidence.

8.4.3 It should be noted that a residential property could, under Class 3 of the Planning Use Classes Order, accommodate any of the following groups without the need for change of use:

- C3(a) use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b) use by up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

8.4.4 A property of this size would likely attract a larger family, perhaps with several children or an extended family grouping. Indeed it is understood that it was previously occupied by a family of seven who moved into the property in 2015, when the five children ranged in age from 5-16.

8.4.5 There is no evidence to suggest that the proposed use/occupancy would generate any more noise and activity than a large family such as the previous occupants, or any of the other groupings permitted under C2. A family or individuals sharing is more likely to generate more demand for parking and car movements to and from the property.

- 8.4.6 The applicant has agreed to compile a Management Plan, which can be secured by condition and which will include a complaints procedure should any issues arise with neighbours.

8.5 Conclusion

- 8.5.1 It is considered that the proposal is acceptable and that any potential, and as yet unproven, harm arising should not only be weighed against the proven wider societal benefits offered to the vulnerable occupants, but against the alternative potential occupants.
- 8.5.2 The Staff Travel Plan and Management Plans will be required by condition to be in place prior to the use commencing to minimise and address concerns raised by residents. As these issues will be controlled by condition, any breaches can be reported to the Local Planning Authority.
- 8.5.3 In conclusion, it is recommended that the application is approved, subject to conditions.

8.6 Comments on objections

- 8.6.1 Issues raised in relation to traffic and parking and amenity have been covered in the report.
- 8.6.2 A Fire Safety Report has been carried out; however this is covered by other legislation.
- 8.6.3 A number of the objections raise concerns that the proposed use will result in antisocial behaviour from the residents. The risk of crime and disorder, and the perception of it, arising from the proposed use is a material planning consideration. However, in order to carry weight in the determination of a planning proposal fear of crime must be based on sound reasons and that there needs to be a reasonable evidential basis for that fear.
- 8.6.4 Objectors' concerns and anxiety about the proposed use are acknowledged but there is no solid evidence to demonstrate that the change of use of the dwelling to a children's care home would result in a spike in anti-social behaviour in the neighbourhood. Planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.
- 8.6.5 Inspectors seem to take note that in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise. In addition, residential children's homes, which accommodate children under 16 years old must be registered with OFSTED under the Care Standards Act 2000 and under the registration process, the applicant must demonstrate that they meet certain legal requirements set out within the Care Standards Act 2000, Care Standards Act 2000 (Registration)(England) Regulations 2010 and the Children's Homes (England) Regulations 2015.

8.6.6 In conclusion, no evidence is available to demonstrate that the children living at this care home would create disturbances or cause antisocial behaviour. As such whilst the fear and perception of crime is a material planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal reason cannot be justified on the grounds of residents' fear of crime in this case.

9. **Human Rights Implications**

9.1.1 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.

10. **Recommendation**

10.1.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

10.2 Conditions

1. The use hereby approved shall not be commenced until a Travel Plan Pack/Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

2. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development 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 in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

4. The use hereby approved shall not be commenced until a Management Plan, to include but not limited to, social behaviour protocols, complaints procedure and staff contact details, has been submitted to and approved by the Local Planning Authority and the provisions of the Plan put into place.

Reason: In the interest of the residential amenities of neighbours having regard to policy DM25 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

5. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	9 December 2020	Location plan
Existing Block Plan	9 December 2020	Block plan
Existing Floor Plan(s)	9 December 2020	Estate agents floor plans
Design & Access Statement	9 December 2020	Supporting Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

11. **Background Papers**

- 11.1 None.