

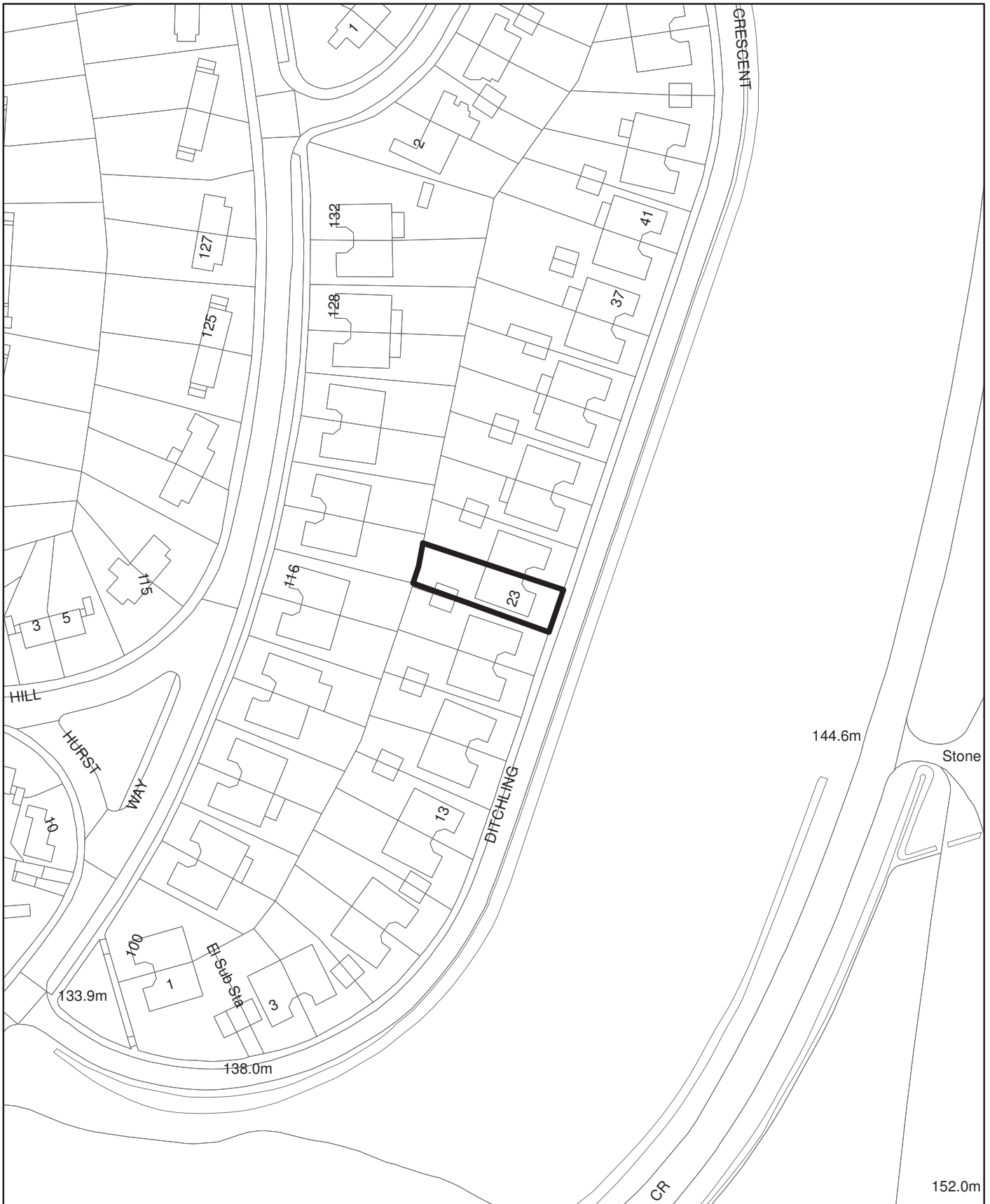
# **ITEM C**

**23 Ditchling Crescent, Brighton**

**BH2015/01677**  
**Full planning**

**5 AUGUST 2015**

# BH2015/01677 23 Ditchling Crescent, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01677</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>23 Ditchling Crescent Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from dwellinghouse (C3) to residential children's home (C2).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	11 May 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06 July 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Crickmay Chartered Surveyors, 339 Kingsway, Hove BN3 4PD		
<b><u>Applicant:</u></b>	Mr Derek Hall, c/o Crickmay Chartered Surveyors, 339 Kingsway Hove BN3 4PD		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a semi-detached bungalow located on the west side of Ditchling Crescent. The area is characterised by similar semi-detached bungalows set on land that falls sharply to the rear. A grassed embankment sits opposite with Ditchling Road beyond.

## 3 RELEVANT HISTORY

**BH2015/00911-** Change of use from dwelling house (C3) to residential children's home (C2). Refused 11/05/2015 for the following reason:

- Insufficient information has been submitted with the application to ascertain the nature of the use proposed, how it would operate on a day-to-day basis, or how it would likely impact on the amenities of adjacent occupiers, and whether its benefits of the proposed use would outweigh the loss of the existing unit of residential accommodation. In the absence of such information, the applicant has failed to demonstrate that the proposed change of use would not be contrary to policies HO8, HO11, HO15 and QD27 of the Brighton & Hove Local Plan.*

**BH2005/00989/FP-** Rooms in roof with rear dormer, side half gable and front rooflights. Refused 10/05/2005

## 4 THE APPLICATION

- 4.1 The application is a re-submission following the refusal of BH2015/00911 (see above) and again seeks planning permission to change the use of the bungalow

from a C3 dwelling to a C2 residential childrens home. No external alterations are proposed.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Nineteen (19)** letters have been received from **17, 21 (x2), 25 (x2), 27, 29 (x2), 33, 37, 41, 45, 49 Ditchling Crescent; 108, 118, 120 Cuckmere Way; 8 &10 Elsted Crescent; and Unknown, objecting** to the proposed development for the following reasons:

- Infiltration of a commercial use into a residential area
- Loss of family accommodation given the shortage of housing in Brighton & Hove
- The proposed development does not meet a specified need in Brighton. The children and adolescents are not current Brighton residents and could be from all over the country. This has been confirmed to a resident by the applicant
- There is no evidence Compass Childrens Homes will operate the site as the applicant is the home owner
- The proposal is not of interest to local residents
- Increased parking pressure and traffic from 7 staff, health visitors, deliveries and parents
- There are a number of elderly people living nearby who will be disturbed by a large number of young people using the property with a small garden
- The change of use would be contrary to a covenant on the property and Ditchling Crescent which requires it to be used for residential and not commercial purposes. The properties were originally part of a self-build scheme
- The area is family orientated and provides a safe environment for our children
- The application is for the benefit of the proposer only and more a business than a selfless gesture
- Increased need for community police
- The property will become a magnet for other people not living in the premises
- Noise and disturbance from occupiers with behavioural issues, including obscene language
- No details of the acoustic attenuation have been provided
- Adverse impact on amenity and attractiveness of the area
- Strain on services
- The use would encourage adolescents from other areas with behavioural problems
- The proposal would set a precedent for similar other uses in the area
- No access for emergency services given parking levels in area
- There is no parking onsite as the drive is shared
- No details or commercial waste storage or collection have been provided
- Commercial use of the sewer is unacceptable
- There are badger setts nearby
- The South Downs National Park Authority have not been consulted
- There are no facilities for teenagers nearby
- Overshadowing, overlooking and loss of privacy

- No disabled access
- The proposed use would deter a disabled resident from walking in the area to the detriment of their health and wellbeing
- Shared use of the access and driveway with no.21 Ditchling Crescent for a commercial premises will not be granted by no.21.

**5.2 UK Power Networks: No objection**

**Internal:**

**5.3 Policy: No objection**

The proposed scheme would provide residential accommodation for a particular group of people in the community, and as such is in conformity with paragraphs 7 and 50 of the NPPF. The provision of housing for people with special needs is also supported by Local Plan policy HO15, with Policy HO11 supporting the provision of residential care homes. Although Local Plan Policy HO8 seeks to resist the loss of residential units of accommodation, the policy does not refer specifically to the loss of C3 housing and therefore it is considered this proposal is not in conflict with the aims of the policy.

**5.4 Children's Services: No objection**

It is understood that this application is on behalf of Compass Care. Children's Services use two of their units already and are satisfied that they have a good reputation with regards quality of care and that the Council are an organisation they like to work with. It would be very useful to have one of their facilities in the city.

**5.5 Sustainable Transport: No objection**

The applicant states that there will be up to 3 young people living in the house at one time and usually 2 carers at one time. The Highway Authority deems this arrangement to be comparable, in trips terms, to a family home, therefore the proposed change of use from a C3 dwelling to a C2 residential institution is acceptable.

**5.6 Environmental Health: Objection**

No objection subject to details of soundproofing between party walls.

**5.7 Private Sector Housing: No objection**

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "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."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU10 Noise nuisance
- QD27 Protection of Amenity
- HO8 Retaining housing
- HO11 Residential care and nursing homes
- HO15 Housing for people with special needs

#### Supplementary Planning Document:

- SPD12 Design Guide for Extensions and Alterations

#### Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable neighbourhoods

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of change of use, including the loss of housing, the impact of the proposal on the amenities of adjacent occupiers, and transport. No external alterations to the building are proposed.

**8.2 Principle of change of use**

The existing building forms a four-bedroom semi-detached bungalow with rooms in an extended roof. The building sits within a residential area comprised of similar semi-detached bungalows.

8.3 The application seeks to change the use of the dwelling from a family home (Use Class C3) to a residential children's home (Use Class C2)

8.4 The previous application for this use was refused on the grounds that no information had been provided with the submission to identify the nature of the use, how it would operate on a day-to-day basis, or how it would likely impact on the amenities of adjacent occupiers.

8.5 This application is supported by a planning statement which identifies that the building would operate as a children's home under the control of Compass Children's Homes, an established fostering agency. The proposed children's home would cater for up to three young persons at any one time, aged between 10 and 18 years on a medium-long term basis (18 months to 2 years) 52 weeks a year. Seven full time members of staff would operate on a shift basis to look after the children with a minimum two on site at any one time. Three further visitors would offer specialist care services. All children's homes are required to be registered with Ofsted who carry out inspections every six months.

8.6 A further statement from the applicants clarifies that the children to be housed at the premises would be local, although there would be no restriction on children from outside the city potentially being housed at the site. Compass have three other homes in the south (Hassocks and Worthing) housing 14 local children. Visitors to the site would be limited to staff, with any family contact carried out in neutral venues. The children who would reside at the premises are officially classed as 'EBD' (Emotional and Behavioural Difficulties) and would be supervised at all times by trained staff to minimise potential disruption to the wider community.

8.7 Policy HO11 supports the provision of residential care homes provided the home would not adversely impact on the amenities of adjacent occupiers, provides sufficient amenity space, is accessible for disabled persons, and provides suitable parking.

8.8 Policy HO15 supports the provision of housing for people with special needs, including supported housing. The supporting text identifies that the policy includes accommodation for young and older persons with mental health problems or chaotic behaviour.

8.9 Policy HO8 of the Brighton & Hove Local Plan resists the loss of residential accommodation except in one or more of five exceptional circumstances. These include where the building is unfit for human habitation, is listed, or access is difficult.

8.10 In this instance, whilst a unit of family accommodation would be lost, residential occupation of the site would remain with occupancy by three children plus two

carers operating in the manner of a family. Consequently the thrust of policy HO8 is not compromised. The site has a large rear garden, onsite parking (albeit shared with no.21 adjacent), and street parking. Although not strictly disabled accessible given the stepped access, the application identifies that the proposed occupiers would not have severe physical disabilities. Although policy HO11 requires disabled access to new residential care homes, this policy is directed primarily towards care home such as nursing homes where the differing and deteriorating health and mobility of residents requires such provision. For a children's care home such as this disabled access is not necessary for the facility to readily function. Further, in the event Ofsted requirements necessitate improved disabled access, such external improvements would require a separate application for planning permission and be considered on their own merits. The Council's Children's Services team have raised no objection to the proposal, identifying that such a facility within the city would be welcome.

8.11 For these reasons the principle of change of use from a dwelling (C3) to a children's home for up to three children (C2) is considered acceptable in principle in accordance with policies HO8, HO11 & HO15 of the Brighton & Hove Local Plan.

**8.12 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.13 The building forms one half of a pair of semi-detached bungalows in a quiet residential street. Local residents have raised concern over potential noise and disruption from the site from both occupiers of the building and from increased traffic movements. The proposed use would operate as a de facto family home, albeit with three children cared for by a minimum two staff. The layout of the dwelling would remain as per a family unit, with four bedrooms (three for the children and one for the staff) and large communal living room, kitchen and garden. As such the intensity of occupancy of the dwelling would be similar to a family home. Whilst some noise and disturbance could arise from behavioural issues, this would not likely be significantly greater than if in family use. The site would be occupied by trained staff and be closely regulated by Ofsted therefore there are sufficient mechanisms to manage any possible undue disturbance. Whilst traffic movements would likely be greater given the number and rotation of staff throughout the week, such movements would not be so intensive or significantly harmful compared to a family occupation as to warrant the withholding of permission.

8.14 The plans detail improved acoustic insulation to the party wall with the attached neighbour at no.25 to help minimise any potential disturbance from occupiers. A condition is recommended to secure final details as requested by Environmental Health officers.

8.15 The C2 use class incorporates uses for the provision of residential accommodation and care for people in need of care, and can include uses such



as a hospital or nursing home, residential school, college or training centre. As such uses would potentially have a significantly more intense and harmful impact on the amenities of the area, a condition is recommended to restrict the use to that applied for as set out on the approved floor plans. Although there is no restriction on other care providers than Compass operating the site, each would be required to register with Ofsted and would have their own site management and complaint procedures.

8.16 Subject to the recommended conditions the proposed use would not result in significant amenity harm to neighbouring occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.

**8.17 Sustainable Transport:**

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

8.18 Residents have raised concern at the impact of the use on parking levels both onsite and within the wider street. Given the location of the site within a suburban area it would be expected that staff would access the site by car, with potentially between 2-4 vehicles associated with the site at any one time. The applicants identify that staff could park on the driveway, however this is shared with the adjacent property at 21 Ditchling Crescent and the occupiers of this dwelling have intimated that they would be resistant to this. In this eventuality there is sufficient space on street in the wider area to accommodate the parking requirements of the development. The Sustainable Transport officer has raised no objection to the development, subject to the provision of cycle parking and a travel plan for staff and visitors. In this instance secure cycle parking can be provided in the garage or house, whilst the small nature of the development with two staff normally onsite at any one time as a minimum is such that a staff travel plan would not result in appreciable improvement to parking demand. For these reasons the proposed development would meet the transport demand it would generate, in accordance with policies TR1, TR2 & TR14 of the Brighton & Hove Local Plan.

**8.19 Other Matters:**

Matters relating to covenants on land are not a material planning consideration. A resident has identified a badger sett nearby however the proposed use involves no external construction works therefore there is no evidence this sett would be disturbed.

**9 CONCLUSION**

9.1 The proposed change of use of the site is considered acceptable and subject to conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The proposed use would provide residential care for disadvantaged children.

- 10.2 The concerns of a local disabled resident are acknowledged however there is no evidence that the proposed use would bring anti-social behaviour or other disturbance that would preclude them from walking in the local area.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site plan existing and proposed floor plans	150301	-	15/05/2015

- 3) The premises shall be used as a Residential Childrens Home (Use Class C2) only in accordance with the details set out in the application and the floor plans as detailed on drawing no.150301 received on 15 May 2015, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) The Residential Children’s Home hereby permitted shall be occupied by no more than 3 children at any one time.  
**Reason:** The Local Planning Authority would wish to retain control over the intensity of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

**11.2 Pre-Occupation Conditions:**

- 5) Prior to first commencement of the use hereby permitted, a scheme for the soundproofing of the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be

implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed change of use of the site is considered acceptable and subject to conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies.

