Development Management – Delegated Officer Report

Application Number: AWDM/0206/24 Recommendation: APPROVE

Site: 285 Upper Shoreham Road, Shoreham-By-Sea, West Sussex

Proposal: Change of use from C3 (Residential Dwelling) to Class C2 to provide care for up to five young people.

Date of Site Visit: 19th March 2024

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a large detached, two storey dwelling house with rooms in the roof on the south side of Upper Shoreham Road. It has a driveway and off street parking to the front and access onto Upper Shoreham Road, the junction with Buckingham Avenue is closeby to the east. The site is within a predominantly residential area with infant and primary Schools and nurseries nearby. Shoreham Town Centre and Railway Station are in close proximity.

There is a large rear garden with an existing swimming pool and an outbuilding. The existing floor plans show an integral garage, living space to ground floor, four bedrooms and bathrooms on the first floor and three bedrooms and a bathroom in the roof space.

Permission is sought to change the use of the dwelling house from residential to a children's care home. There would be no external changes to the building and no changes to the structure. A cycle and refuse store is proposed to the front of the building. The ground floor will remain as a living space and first and second floor bedrooms allocated for children and adults as shown on the proposed floor plans; five childrens bedrooms and two adult bedrooms.

The applicant has supplied supporting information in relation to what the use will entail.

- The occupants will be children between the ages of 8 - 18 and adults will be in the home at all times.
- Minimum of 2 adults at all times with two staff over night.
- Visitors to the property as with normal household.
- Family environment, meal shared, shared chores, shared activities.

The applicant has also provided a sample rota which shows staff working hours. Late (L), 10am - 11pm, Early (E), 8am - 11am, and Sleeping over (S) 11pm-8am. Sometimes the E and L are combined to work 8am - 11pm. 3 members of staff in the day and 2 at night. Management are on call out of hours.

Consultations:

West Sussex County Council: The Highways Authority: -

This application seeks the change of use of existing residential dwelling (Class C3) to children's care home (Class C2). The site is located on Upper Shoreham Road, a C-classified road subject to a speed restriction of 30 mph in this location.

No alterations are proposed to the existing vehicular access arrangement. The proposed care home will house up to five children, with three members of staff at the site at any given time. Such a use is not anticipated to give rise to a significant material intensification of use of the existing access point.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Existing hardstanding is to be retained for vehicular parking purposes. From inspection of the plans, the site exhibits suitable space to accommodate an appropriate amount of off-street parking provision to serve the proposed use. Existing storage space within the site can be utilised for the secure storage of cycles.

The site is situated within a sustainable location within walking/cycle distance of local services, amenities and public transport connections.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Southern Water: - Standard informatives

Adur and Worthing Councils:

Environmental Health: - Public Health: - There are no adverse EH comments for

this application.

Private Sector Housing: - The Private Sector Housing Team have noted that the proposed use of the property is likely to form a House in Multiple Occupation (HMO) and may be subject to additional requirements under the Housing Act 2004. The applicant is advised to contact the team to discuss this.

Representations: -

12 representations has been made in support making the following comments: -

- We need to support and care for young people in the community who need this extra care, this seems an ideal location close to schools, DRs, public transport and the park.
- Great to see local provision to support young people in need of residential care.
- Fantastic care for those in need.
- Happy to hear this.
- Much needed resource.
- The size of the planned provision is unlikely to be detrimental to the local area so should be viewed as a positive application.
- A better chance to vulnerable young people in our community.
- Fully support
- Children should be in the community not taken into care.
- No adverse impact on traffic or infrastructure.
- Provide a safe and stable environment.
- Jobs brought to the area.

17 representations has been made objecting to the proposal making the following comments: -

- Totally inappropriate use
- Overlook my house and garden
- The ground level of the garden has been raised and compromises privacy and safety.
- Threatening and frightening.
- Access and highway dangerous putting young people at risk.
- Removal of family home when there is a shortage.
- Violent gang fights in Buckingham Park.
- Parking and traffic problems in the locality due to adjacent school.
- Five young men will be bored and at risk to themselves, recipe for conflict and acute social stress.
- Unsuitable to have teenagers with social problems hanging around primary schools.

- Parking problems already exist.
- Impact on noise
- Lack of detail of qualifications of carers.
- Lack of detail of staff covering weekends.
- Busy junction, dangerous in the mornings, traffic and danger on the road.
- Raise anti social behaviour in the local area.
- Not enough police presence.
- Increased shop lifting, assaults and anti social behaviour has already risen in the local area recently.
- Not an appropriate place.
- Application lacks in detail.
- Already has a young persons home within 3 miles, this neighbourhood is already doing its bit to support the larger community.
- Application states it is vacant it is not.
- No mention of swimming pool.
- Safeguarding
- Staff changes limit healthy, sustained relationships.
- Have Ofsted checked.
- 3 nurseries on Upper Shoreham Road, hundreds of vulnerable children walking past on a daily basis.
- Already crime, antisocial behaviour in Shoreham, this will increase it.
- The company managing appear lacking in professionalism.
- Less accountability in relation to any problems that arise including risks to child safeguarding and/or anti social behaviour.
- Do deeds change to business.
- This area is entirely residential this will introduce a business use, leading to further change of use.
- Restrictive covenant.
- Increased deliveries to property.
- Noise pollution.
- Devaluation of property.
- Many car crashes here on this dangerous road.
- The use will add significant traffic to this junction.
- Bike shed to be built.
- There are no five parking spaces on site, they would need to move to enable others to leave the site.
- The application does not contain a risk assessment regarding the location of the property.
- There is a known problem with drainage this will be increased and a flood risk with more people.
- The triangle across the road could be adversely affected used for a refuge by troubled children with consequent damage.
- The company's website states that they care for children that have a tendency to run away and those who show aggression towards others and environment.

- Neighbours will be exposed to ‘associated behaviours.’
- Insufficient care.
- Is on call at the weekends for children or property issues.
- Abbreviations on staff rota not helpful.
- The layout does not look suitable.
- No provision for office, store for staff.
- Bike store is unnecessary as they have a garage.
- Risk to children due to location.
- Health and safety risk with the swimming pool.
- Significant age difference can lead to bullying, harassment and abuse.
- Noise and disturbance.
- Crime and security implications for the neighbourhood.
- Increased litter and objects thrown over the fence.
- Will agency staff be used?
- A speed camera is nearby due to a fatal crash, dangerous location, children running away or under influence of substance misuse or not under adult supervision when crossing the road are at risk.
- Gatherings of anti social behaviour unsupervised near to 285 close to the road put themselves at risk which would not be the case in another location.
- Aggression towards neighbours.
- Staff fluctuating does not imply continuity like a home environment.
- Managers on call therefore not on site.
- Narrow access to busy junction.
- Despite WSCC giving advice that there was no recorded injury there have been multiple accidents including where a wall was demolished and ambulance assistance required a real risk to children.
- Risk assessment needs to be carried out on the location.
- Local residents are intimidated by development
- WSCC noted no recorded accidents in the last 5 years, I am concerned that it is in the Council’s interest to pass this application.
- The parents of Buckingham Primary have not been notified of this application.

Relevant Planning Policies

Adur Local Plan 2017 15, 33 28
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework December 2023)

Planning Assessment

Principle

The proposed change of use to children's home would make provision for a needed

facility within the district meeting the needs set out in the Adur Local Plan. Policy 33 refers to Planning for Sustainable Communities. The considerations are set out below. There is a balance between the need for the proposed use and the loss of residential in this case. There is scope for the building to return to a residential use in the future as the building will not require any significant changes or adaptations. It is considered that the loss of residential accommodation can be justified in this case subject to the assessment below.

Need for proposed use

It is noted that a similar application was submitted in Lancing under AWDM/0766/23. This was recommended approval by officers and refused by committee and is pending an appeal decision. Information was provided with this application setting out the need for care homes such as that proposed here. This is copied below: -

“Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that (a) is within the authority’s area; and (b) meets the needs of those children. Three reports were published in 2020 by the Children’s commissioner: ‘The Children who no-one knows what to do with’; ‘Private provision in children’s social care’ and ‘Stability index 2020’ which point out the failings of local government to meet this responsibility.”

“The papers summarise the findings of three years of work by both the Children’s Commissioner’s office and explain the failure of both national and local government to adequately meet the needs of these children. The report states: ‘Local authorities are highly reliant on the independent sector, particularly for children’s residential care. Costs are increasing but it’s unclear why. Given this reliance, it is imperative the market works well and that commissioning and procurement are improved to ensure no child is placed in unsuitable care settings. The Government should consider the barriers to creating more residential care placements to increase supply.”

Suitability of the site

The dwelling offers a large floor area over three floors on a generous plot. It has its own vehicular access, parking and turning space, refuse and cycle storage. The layout of the building allows for space for staff, childrens bedrooms and shared spaces within the building.

Visual amenity

There are no changes proposed to the building internally or externally apart from a proposed cycle and refuse store which are shown on the proposed plans to the property frontage. Details of the storage structures have been provided with the application. These are low level, modest, functional structures that will be positioned

against the front boundary. There will be screened by the existing front boundary wall and planting.

The building will appear as a residential dwelling house, the character will remain unchanged.

Residential amenity of current and future occupiers

The applicant has stated that the care home will be occupied by staff and children as a single household, living at the dwelling as a family with shared facilities, meals and chores. Deliveries and trips to and from the site will also be similar to a large family with adults commuting, children going to school and extracurricular activities, friends and family also visiting the site. Groceries and general household needs will be met by staff with supervision of the children at the premises night and day. It is therefore on balance, not considered that there would be any adverse impact upon the adjacent occupiers in terms of activity to and from the site. Parking is on site and there would be no need for anyone visiting the site to park anywhere other than within the property curtilage. However there is on street parking available nearby which would not result in highway safety issues if necessary.

It is possible that there may be some anti-social behaviour and noise as an outcome of the proposed use. This could be the case and staff would work to limit any such problems. However it is not considered that this would warrant a refusal in this case. It is noted that within residential areas there are different demographics and households which could have a similar impact. The Local Planning Authority would not be responsible for checking the suitability of the staff or children to live at the site. This is not a planning consideration. Ofsted and other relevant authorities would ensure that the site, staff and children are suitable for the proposed care home and that their needs are met and their safety is protected. The level of supervision will be appropriate to the needs of the children which will also be the responsibility of Ofsted and the managing childcare company.

It was noted on the site visit and by objectors that the ground level to the rear of the site is raised and that some of the boundary fences are in a poor state of repair. This has been discussed with the applicant. It has been agreed that the fences will be replaced and raised in height as necessary and a condition is set out below to ensure that this is the case, for site security and residential amenity for existing and future occupiers.

Accessibility and Parking

As stated above there will be activity in relation to the proposed use, children would walk from site to school or take public transport or be taken by carers as in a normal household.

Concern has been expressed with regards to the highway safety and the hazard as a result of the vehicular access being close to the intersection of Upper Shoreham Road with Buckingham Avenue to the east. Local residents have also highlighted that there have been vehicular accidents along the road and concern for the welfare and safety of those living at the site and whether the location is suitable. It is considered that, as with a residential family dwelling house, those living at the site would be safeguarded by their carers. There is sufficient visibility, turning space and pavements leading to and from the site.

West Sussex County Council has stated that in the last five years there have been no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern. Objectors have contested this making reference to the various accidents that have been witnessed. However the case officer has verified and WSCC have confirmed that the data they are referring to states that there have been no recorded accidents attributed specifically to *road layout, road defect or the use of the site's access.* Therefore there is no evidence to suggest that the existing access arrangement is currently operating unsafely, or that the proposals would exacerbate an existing safety concern. Therefore in this case there would be no justification to refuse this application on highway grounds in the light of the lack of objection from West Sussex County Council.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. The number of children living at the children's home hereby permitted shall be limited to a maximum of 5 at anyone time.
4. The cycle and vehicular parking spaces, turning and access facilities shown on the submitted plans shall be retained on site at all times The areas of land so provided shall not thereafter be used for any purpose other than access and parking of vehicles incidental to the use of the proposed children's home.
5. Prior to occupation of the care home hereby permitted rear boundary fences shall be replaced to a height of 1.8 metres measured from the adjacent ground level at the application site, to be agreed with the adjacent neighbouring occupiers.

6. The existing outbuilding shall be used for garden storage and swimming pool equipment only. It shall not be used as living space in connection with the children's care home and for any other use other than storage.

Informative

1. Proactive with amendments

Is recommendation contrary to letter(s) of representation Y

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Hannah Barker Date: 25th April 2024

Authorised by: Peter Barnett Date: 25 April 2024