

Committee: **Regulatory  
Planning and Highways Sub Committee**

Date: **7 September 2005**

Report by: **Director of Transport and Environment**

Proposal: **Change of use from residential (C3) to Children's Home (C2) accommodating 4 children and 2 staff to include erection of 1.1 metre balustrade on rear elevation for safety purposes.**

Site Address: **118 Brodrick Road, Hampden Park, Eastbourne**

Applicant: **Director of Children's Services**

Application No: **EB/2434/CC**

Key Issues: **1. Change of use  
2. Impact of proposed use on amenity  
3. Traffic and highway safety**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. To grant planning permission subject to conditions.**
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## **CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT**

### **1. The Site**

1.1 118 Brodrick Road, Hampden Park is a detached two storey, four bedroom, house with garage on the east side of the road. The house is set back from the front boundary, which is marked by a dwarf wall, behind a hardstanding. It backs onto an embanked railway line set slightly below the garden level in a cutting. Immediately to the north is a single storey building used by the Jehovah's Witnesses although the character of the area is predominantly residential comprising houses of similar age to the application premises. The house comprises rough rendered elevations painted white under a red tiled pitched and hipped roof.

### **2. The Proposal**

2.1 It is proposed to change the use of the dwellinghouse to a home for four resident children, aged between 11 and a maximum of 17 years old, on a medium to long term basis, together with 2 carers. The carers will operate on an 8 hour shift basis with at least one permanently on the premises.

2.2 The proposal is part of a wider Children's Residential Strategy, adopted by the then Social Services department in April 2004 to improve outcomes for children in residential care by restructuring current residential placements into smaller, domestic style homes.

2.3 Children are currently accommodated in Lansdowne House in Hailsham and Old Roar House, Old Roar Road in St. Leonards. Smaller homes have been identified at Homefield Road in Seaford and Terminus Avenue in Bexhill (HS/2366/CC Refers) which will receive children from Lansdowne House. The applicant's intention is that some of those at Old Roar House will relocate to Brodrick Road and the remainder to other premises yet to be identified.

2.4 The proposal is mainly for change of use. The sole physical alteration is at the rear of the property to enclose the flat roofed part of a single storey extension with 1.1 metre high metal balustrade.

### **3. Site History**

3.1 The premises have planning permission for a two storey side extension granted in November 2004. (EB/2004/0671)

### **4. Consultations**

4.1 Eastbourne Borough Council: raise no objection to the proposal.

4.2 Local Representations: Three letters received raising concerns over noise and disturbance in an area where at least two night shift workers live, increased traffic resulting in increased dangers on an already busy road, location not ideal setting for children's home in view of busy road and railway line, query reason for fencing, loss of property value (not a planning matter), concerned about damage and/or trespass to property.

### **5. The Development Plan policies of relevance to this decision are:**

5.1 East Sussex Brighton & Hove Structure Plan 1991-2011: Policy S1 (b) minimising the impact on the environment, (f) protecting and enhancing the attractiveness and individual character of urban areas. Policy H6 encourages and supports provision of accommodation suitable for people receiving care in the community.

5.2 Eastbourne Borough Plan 2001 – 2011: Policy HO3 deals with loss of residential uses, HO17 deals with supported and special needs housing, HO20 addresses residential amenity and TR11 assesses proposals against car parking standards

### **6. Considerations**

#### Change of use

6.1 In April 2004 the Cabinet approved the Children's Residential Strategy to improve outcomes for children in residential care by restructuring the current residential placements into smaller, domestic style homes. Not only does this change the physical building requirements but also the structure of the care itself. Current placements are provided at Lansdowne House in Hailsham and Old Roar House in St. Leonards. This revised strategy is acknowledged to be in the best interests of the children and has the support of all relevant parties including staff, trades unions, children and the registering body, the Commission for Social Care Inspection.

6.2 The house at Brodrick Road is considered to meet the core aim of the applicants' strategy in relation to the type of building considered suitable i.e. a smaller, domestic style home. The premises also fit this description in terms of design, layout and location and are considered particularly suitable as no significant structural alterations are required to be made to accommodate the proposed use.

6.3 Policy HO3 of the Eastbourne Borough Plan 2001 – 2011 states that planning permission will not be granted for development which would result in a net loss in the number of existing dwelling units, subject to compliance with other policies in the Plan. Exceptions will be made where it can be demonstrated that a scheme would result in a significant improvement in the quality of residential accommodation provided.

6.4 Policy HO17 supports proposals for special needs groups subject to (a) location close to public transport, shops, open spaces, entertainment and community facilities, (b) suitability of the premises in relation to the needs of the occupants, (c) retention of 3 bedroomed, or less, properties be retained as single dwellings and (d) compliance, where

relevant, with residential, visual and environmental amenity considerations set out in other policies.

6.5 Policy H6(d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 offers encouragement and support to schemes which aim to provide accommodation to meet specific local requirements particularly for people receiving care in the community.

6.6 The application site is on a bus route and there are local shops and a library next to Hampden Park railway station some 550 metres to the south over fairly level ground. There are open spaces of varying sizes within 1 kilometre; the nearest being a small area on the opposite side of the railway line 5 minutes walk via a nearby railway bridge. There is also a secondary school, Eastbourne Technology College, approximately 700 metres distant along Brodrick Road. In these terms it is considered that the property is reasonably well located to local facilities and as a detached property with four bedrooms is suitable for the needs of the occupants.

6.7 Whilst the aim of policy HO3 to retain residential accommodation is recognised the use of the property as a children's home is supported by HO17 due to its layout and location and is therefore considered acceptable in principle. In this instance the merits of the proposed use are considered to outweigh the loss of one dwelling from the stock of housing. Any loss is mitigated as the proposed use, as a children's home, can be considered to be 'quasi' residential. Furthermore the physical characteristics of the property will not change and therefore it would retain the capability of use as a dwelling in the future.

#### Impact of proposed use on amenity

6.8 Policy HO17(d) of the Eastbourne Borough Plan 2001 – 2011 requires that, where appropriate, proposals for supported and special needs housing comply with residential, visual and environmental amenity considerations set out in other policies. Such considerations as are relevant to this proposal are contained in policy HO20 and these relate to noise and general disturbance.

6.9 The premises are detached and although there is one small window on its side elevation facing 116 Brodrick Road that house has no facing windows. There is a close boarded fence between the gardens of the two houses approximately 1.6 metres high. In many ways the proposed use is little different from a relatively large family living in the house and this is considered entirely appropriate in a residential area such as this. Furthermore there will be at least one trained carer on the premises at all times and usually two who can quickly deal with any problems that may arise. It is not therefore anticipated that the level of activity, albeit by four young people, would result in unacceptable noise or general disturbance to the neighbourhood. It is considered appropriate to limit the use to that described in the application and this can be controlled through a planning condition.

#### Traffic and highway safety

6.10 Policy HO17(e) in the Eastbourne Borough Plan 2001 - 2011 supports proposals for special needs groups where there is provision of adequate car parking. Policy TR11 requires changes of use to comply with maximum parking standards and to reflect local circumstances and operational needs.

6.11 The forecourt to the property can comfortably accommodate two vehicles and there is also a single garage. It is of sufficient size to allow vehicles to turn within the site and so avoid having to enter or leave in reverse gear. Notwithstanding this, visibility along Brodrick Road is good.

6.12 It is understood that visitors for the children will be very occasional. The main traffic generator will be the two staff and as these operate on an 8 hour shift basis there will not be more than three vehicles and typically two on site at any one time. The application states that a van will visit each day, however, the applicant now states this will not be the case.

6.13 Vehicle parking facilities are therefore considered adequate for the proposed use. The site access has good access and visibility and in any case the numbers of vehicle movements will be low and unlikely to lead to any more potential disturbance than if the property were occupied by a large family.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise

7.2 The proposed use as a children's home is considered to satisfy a special need which outweighs the loss of a dwelling from the town's housing stock. The use is considered appropriate in a residential area and there are adequate amenities nearby for the occupants. The use is not expected to harm the amenity of neighbours by unacceptable noise or disturbance nor will it generate excessive or hazardous traffic movements. The proposal therefore complies with policies S1 and H6 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and policies HO3, HO17, HO20 and TR11 of the Eastbourne Borough Plan 2001 – 2011. There are no other material considerations and the decision should therefore be taken in accord with the development plan.

## **8. Formal Recommendation**

8.1 To recommend the Planning & Highways Sub Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the land shall be used only for the provision of residential accommodation and care to a maximum of four people (maximum age 17) in need of care and for no 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 other than that expressly authorised by this permission.

Reason: To enable the Local Planning Authority to control the future use of the site in order to protect the character and amenity of the area in accordance with policy S1(f) in the East Sussex and Brighton & Hove Structure Plan 1991 - 2001 and policy HO20(d) in the Eastbourne Borough Plan 2001 – 2011.

BOB WILKINS  
Director of Transport and Environment  
26 August 2005  
P&HSUB: P7September-EB2434CC

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Local Member: Councillor Olive Woodall

## **BACKGROUND DOCUMENTS**

Planning application file.  
Site planning history  
Development Plan policies  
Report of Director of Social Services to Cabinet, 17 November 2004.