

Recommendation Report for Planning Permission

REF NO: LU/188/25/PL

LOCATION: 11 Eagles Chase
Littlehampton
BN17 7RF

PROPOSAL: Change of use from a residential dwelling to a small care facility for up to 2 children aged between 12 - 16 years old. This application is in CIL zone 2 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a change of use from a dwelling to a small care facility for up to 2 children, with 2 full-time carers.
SITE CHARACTERISTICS	The site is a two storey, semi-detached property with a garden to the rear, and parking space to the front.
CHARACTER OF LOCALITY	The site is in a residential area at the end of a cul-de-sac.

REPRESENTATIONS

Littlehampton Town Council - Objection. The committee shared concerns raised by Environmental Health about the potential impact of the development on the residential amenity of the properties in the surrounding area.

5 No. objections were received from nearby occupiers raising concerns that:

- The location is a quiet residential area with mostly older or retired people, and is unsuitable for the development.
- The use would be out of keeping with the character of the neighbourhood.
- More vehicle movements would occur as a result of the proposals, and increased need for parking, which is not sufficient on the site.
- The proposals would result in an increase in noise and disturbance.
- There would be a loss of residential housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

The impact of the proposal on character and parking, and the potential noise impacts are addressed in the conclusions.

Although national and local planning policies emphasise the need for C3 residential development, there are no specific policies within the Local Plan which seek to prevent changes of use from residential to other uses. Although the proposal would result in the loss of a single unit in C3 use, the use of the property would remain residential, and we are informed that the applicant is working with West Sussex County Council, who have identified a need for care accommodation in the Wick/Littlehampton area.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Objection.

- Children in care homes such as the proposed, often have very complex needs and most semi-detached houses, unless purpose built, do not have the required amount of sound insulation to protect the adjoining property from the potential increase in noise. Although sound insulation can be increased, retrofitting insulation is costly and not always effective and so I would recommend refusal of this application.

South Down National Park - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Arun Valley IRZ

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

The proposal complies with relevant Development Plan policies in that it would not negatively impact the character of the area, or the amenity of neighbouring occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this application are ALP policies D DM1, H DM2, D SP1 and T SP1. Littlehampton has a made Neighbourhood Plan, of which Policy 2 is relevant, and seeks to concentrate development in the built up area boundary.

INDEPENDENT CARE HOME

ALP policy H DM2 states that new and extended independent living and care homes will be permitted where applications can demonstrate that the proposal is consistent with all other ALP policies and is in the Built Up Area Boundary, community and social facilities are easily accessible either by foot or public transport, the design of the scheme can be easily adapted to the varying needs of users and is appropriate to the local context. Development should be where it would support and encourage the continuation of a healthy, active lifestyle. Whilst the preamble to this policy references independent living and care home facilities for older people, the policy is not limited to older people, and is considered in the assessment of this proposal.

The site is in the built up area boundary, and is in close proximity of local services in Wick. The site is close to the centre of Littlehampton, and public transport networks. The proposal seeks to change the use of the dwelling, and does not propose external changes. Whilst the facility may not be easily adaptable to suit changing needs of the users, the design of the facility aligns with the aim of creating a care setting which reflects a family home, and is appropriate for the type of care proposed. The amenity space associated with the existing residential use would remain to the rear, and the site is in walking distance of public open space.

The proposals are in accordance with ALP policy H DM2 in that the site is in a sustainable location, and no changes to the design of the existing property are proposed.

CHARACTER AND VISUAL AMENITY

The proposal would not result in any external or internal changes to the dwelling. As there are no alterations proposed to the dwelling in this application, only the change in character is considered. The property has 3 bedrooms, and the care facility would accommodate a maximum of 2 children aged 12 - 16. There would be 2 carers present in the property at all times, with an additional manager at the site during the day.

The site is in a residential area, and the property would remain in residential use. The proposal would not result in a significant increase in the occupation of the site and the provision of this care home in the

locality would be in keeping and would not cause harm to the prevailing character of the area.

The proposal does not result in any change to the scale, design or visual appearance to the property and is acceptable in accordance with Policy D DM1(1) of the ALP.

NEIGHBOURING AMENITY

The proposals would not result in any external changes to the property, and would not impact neighbouring dwellings in terms of overbearing, overshadowing or overlooking.

Several objections have been received from nearby occupiers in relation to increase noise and disturbance. An objection has been received from Environmental Health on this basis. Future occupiers of the site would be two children, with two carers, and an additional manager present during most weekdays. Occupation of the dwelling by two children and two adults would not be unusual in the dwelling's current C3 use. Although Environmental Health comments suggest the complex needs of the children may lead to increased levels of noise and disturbance, there is no evidence to suggest this would be the case. There is no restriction on the occupiers of the property in its current use, and the property could be occupied by a greater number of children, including children with complex needs in the existing use.

The Planning, Design and Access Statement indicates that staff at the house would work a 48-hour shift. The use of a 2-days-on, 4-days-off rotation reduces the number of changeover times, when more people would be present at the property, and reduces the number of vehicular movements to and from the property. Other vehicular movements associated with the use would be similar to a residential dwelling, and would not result in disturbance of nearby residents.

It is a material consideration that lawful development certificates may be granted for changes of use from C3 to C2 use where the change of use is not considered to be material. In order to assess this, the number of occupants, length of time children would be resident, number of carers, length of shifts, and number of vehicular movements to and from the property are key considerations. Based on the information provided, it is likely that the change of use would not be considered material, and a lawful development certificate could be granted for the proposal. A refusal of permission due to noise or disturbance would not be justified.

The development is in accordance with policies D DM1 and QE DM1 in that it would not result in harmful impacts on neighbouring residential amenity.

HIGHWAYS AND PARKING

The site has two parking spaces on a driveway to the front of the house. During the day, three adults would be present at the property, and so there may be a need for a vehicle to be parked on the street. There is no shortage of on-street parking in the area, and it is noted that occupiers of houses within C3 use could equally own more cars than can be accommodated within their curtilage. The proposals would not have an unacceptable impact on parking.

The vehicular access of the property would remain as existing, and the vehicular movements to and from the property would remain similar to those associated with the property's previous use. The applicant has submitted a breakdown of typical vehicular movements which supports this.

The proposals would not harm highways safety and is acceptable in terms of impact on highways and parking in accordance with T SP1.

SUMMARY

The proposal is in accordance with relevant development plan policies, and is recommended for approval

subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location plan
- Location and block plans 001
- Existing and proposed floor plans 002
- Existing and proposed elevations 003
- Planning, design and access statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and QE DM1.

- 3 The care home hereby approved shall be occupied by a maximum of 2 No. children, plus care

staff.

Reason: In the interests of the amenity of residents/neighbours and to ensure there is adequate provision of habitable accommodation for proposed residents in accordance with policies H DM2 and D DM1 of the Arun Local Plan.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.