



Delegated Report

Planning Application

Planning Application No: 20230837

Location: 56 Colyer Road Northfleet Gravesend Kent

Description: Change of use from dwellinghouse to a children's residential care home (Use Class C2b).

Applicant: Mr Mavrinder Dhothar

Site Visit Date: 6 October 2023

Submitted Documents/Plans

- Application form;
- Existing First Floor Plan;
- Existing Ground Floor Plan;
- Proposed Ground Floor Plan;
- Proposed First Floor Plan;
- Location Plan;
- Block Plan;
- Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20040474	Erection of single storey rear extension to form enlarged dining room and w.c./shower room.	Permitted	12.07.2004

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing Housing Stock by Conversion of existing Buildings
- H6 – Provision to Meet Special Housing Needs

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to

assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 6 – Delivering a wide choice of high quality homes
- Section 12 – Achieving Well-designed Places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

It is noted that the proposal is to house 2 children. It is recommended that as the property is semi-detached a condition should be applied to any permission restricting the use to this number. In addition, it is recommended that a condition requiring a Noise Management Plan to be submitted for approval prior to any use commencing is also attached. The Noise Management Plan should detail measures to deal with noise breakout from both inside the house and also use for the external areas. Procedures for dealing with any complaints should also be included in this. This is to ensure that noise for the use of the premises as a children's home does not impact on the adjoining premises.

GBC Highways Officer

The applicant states that two car parking spaces will be available but does not provide any further information or parking layout plan. The applicant should also make provision for the secure parking of cycles which may need to include adaptive cycles for the residents. Four cycles would seem appropriate one per child plus two for the carers that would give individual supervision to the children whilst out riding. The staff spaces could also double as the provision for carer cycle parking.

Once the applicant has demonstrated that adequate car and cycle parking can be provided, I will have no objection.

Kent Police

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Due to the proposed use of the site, we would recommend the applicant review current site security and boundary treatments. We advise boundary treatments to be 1.8m in height with support beams facing inwards, any gates to a rear/ side access must also be securely lockable from both sides. It is essential that there is no unauthorised access to the rear of the site either via the side access route or via neighbouring premises.
2. We recommend CCTV be installed at the main entrance doors to monitor the movements of the occupiers. In some circumstances, it can be advisable for staff carry personal attack alarms and in some instances BWV cameras for safety purposes.
3. We recommend lighting to cover entrances and the parking area to aid in natural surveillance.
4. We strongly recommend external doors and windows meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Existing rear doors and windows that are not being replaced may require limiters/ restrictors to help maintain security.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

KCC Biodiversity

The planning statement details the following:

Please note that there will be no significant work carried out to the internal or external area of the property. This would simply be a change of use of the property.

As such we are satisfied that if roosting bats or breeding birds are present within / on the building they will not be impacted by this application.

We require no ecological information to be submitted.

No response from:

- GBC Waste

Neighbouring properties

29 surrounding properties were consulted plus site notice – 11 responses received (all objections) the comments of which can be summarised as follows. The issues raised are dealt with the analysis section below.

Use

- Property is not in suitable for a residential children's care home;
- Property is already extended and is not large to accommodate children, especially those with special needs;
- Property not considered suitable for children with specialist needs due to limited space available inside and outside of the property;

- This proposal would remove much needed family housing in the area contrary to Policy CS14 (LPCS).
- Colyer Road has slowly declined with houses being bought and rented out with multiple occupants, multiple vehicles;
A residential care home is not required in Colyer Road;
- Too close to a secondary school;
- Would not have moved here if they knew there was to be a care home, had this type of dwelling where they used to live and they had to move as was not safe for their family to live and grow up next to. They fear this area would change due to this application;
- Concerned at safety – who would be living there, what would this bring to the area, would it increase crime in the area – would not be happy or comfortable with troubled teens living just a few doors down;
- Worried for the elderly individuals in the street if the residents are not vetted or controlled safely;
- Not in keeping with the road or area;

Occupier Amenity

- Not clear how lounge/diner would be 'significantly' larger than the minimum requirements'.
- Unclear how the property will be able to provide the minimum amenity requirements including sufficient outdoor space considering a large part of rear garden is taken up by an outbuilding;

Neighbour Amenity

- Will affect their well-being;

Parking and Highways

- Access would be a problem as this is a shared driveway
- Parking would be problematic as staff would need multiple parking spaces.
- Can't understand reason for this application even being considered as the houses are semi detached 3 bedroom properties all sharing driveways
- This is a residential road and a very busy road - not suitable for children, it is very hard to park and with so many carers coming and going it will make life impossible for the resident who have saved hard and bought their houses and look after them with pride;
- Colyer Road School is at the end of the road which again causes problems with traffic, it is so unsuitable for a children's home;
- Although it states there is sufficient parking for the needs of the carers, it is not clear how the needs of existing residents would be accommodated, will cause an unacceptable impact to on-street parking in the area;
- Situation on the road is already dangerous as the road is a busy through road with two schools very close by and parents from both schools cause parking issues;
- Many newly rented properties are causing residents issues with multiple cars parking over drop kerbs and blocking residents in to private drives, extra traffic and additional parking is not needed;
- Road is very busy with limited on road parking, especially in evenings. With a proposed minimum of 4 and a maximum of 8 carers this could take up a lot of parking spaces which the road doesn't have;
- Potential that residents may need the use of minibuses and ambulances, with the road busy most of the time this could cause congestion for the public and other residents especially as there are 2 schools in Colyer Road and often very congested at school times;
- Also will be made worse with visitors to the residents;
- Would set a precedent for Colyer Road an open up the area for further unwanted applications for change of use to residential care homes which they don't want. They wish to live in peace and quiet without the associated noise and disruption this application would cause;
- This type of facility is not suitable for a small residential property with limited parking and which is a very busy road at peak times.

Other

- Residents not notified properly, only through word of mouth has it been shared, this is shameful on Council's part – **Officer Note: The legislation requires those properties who are adjoining a site to be consulted. In this case the amount of neighbours notified went wider than just those adjoining neighbours and there was also a site notice displayed outside the site.**

Officer's Analysis

The application site consists of a two storey semi-detached dwelling situated on the northern side of Colyer Road. The front garden is paved with a boundary wall along the front boundary with pedestrian access to the front door. There is a shared vehicular access to the side of the dwelling which provides access to both the garage at the rear of the application property and the garage at the rear of the neighbouring dwelling no. 58 Colyer Road. It can be seen in the below aerial view:



The proposal is for the change of use of the existing application property from a dwellinghouse (Class C3 (a) of the of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a children's home for two children (Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

The children's home would accommodate two children and there would be eight members of staff as follows:

Care Home Manager: (staff member 1) Responsible for overseeing the overall functioning of the home, ensuring compliance with care standards, and liaising with local authorities and other stakeholders.

Senior Support Worker: (staff member 2) They will play an instrumental role in managing and supporting both the manager and support staff.

Carer/Support Workers: (staff members 3 through 8) These roles will focus on the day-to-day care of the children. Their responsibilities include ensuring the children's welfare, offering emotional support, and assisting with educational and recreational activities.

In the planning statement it is stated that the residential care home's central mission is to provide a sanctuary for children in need – a place where they feel loved, safe, and supported. They believe that with the right environment, every child can thrive and that their home aims to be that safe haven. They believe this property, with its tailored facilities, coupled with their dedicated team will work tirelessly to nurture and support the holistic development of each child.

It is stated there is two off-street parking spaces at the rear to accommodate staff and visitors along with on road parking in front of the house.

Appropriateness of the proposed development in principle

Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 sets out the development strategy for the Borough and highlights the objectively assessed need for housing over the Plan period (up to the year 2028) as being over 6,000 new dwellings. The policy seeks to retain and improve the existing stock of housing and prioritises development in the urban area as a sustainable location.

Policy CS14 of the Gravesham Local Plan Core Strategy September 2014 seeks to protect the mix of housing in the existing stock and to restrict the conversion of family sized units into smaller properties. It also requires new housing development to provide a range of dwelling types and sizes, taking into account local character and housing need.

Saved Policy H6(iii) of the Gravesham Local Plan First Review November 1994 states that “with regard to proposals for residential hostels and homes, whether by new build or by conversion, the Borough Council will take particular care to ensure that these do not cluster together and harm the overall character of the area”. The preamble to this policy refers to the importance of controlling the concentration of residential institutional accommodation to ensure that the properties themselves are suitable and that the intensification of use in residential areas will not change the character of the area, nor involve a loss of amenity to residents because of the potential noise and disturbance it could create outside normal working hours.

In assessing the impact of the overall character of the area, it is necessary to consider whether the new use would be considered to be a material change from the existing use as a single family dwelling (Class C3 (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended)). In this regard, it is important to take into account that Class C3 (b) of the use class order allows the use of a dwellinghouse by not more than six residents living together as a single household where care is provided for residents. The home would be for two children. There would be eight staff members – a care home manager, a senior support worker and six carers. It is not stated how many carers would be in occupation at any one time. It is stated in the Planning Statement that one of the three bedrooms at first floor level will be allocated for a carer and the rear room at ground floor would serve as an office space for admin tasks but it is also stated that it could be used as a bedroom if necessary (it is labelled as a bedroom on the proposed ground floor plan). There has been debate on whether the carers should be counted as residents as they would not permanently reside at the property as their main home, with appeal decisions favouring both arguments. However, even if say two carers were included in this calculation (if both the first floor carer bedroom and the ground floor office/bedroom are both counted), the proposal would still be within in the threshold of the Class C3 (b) use.

It is noted that a Class C2 use (for the provision of residential accommodation and care to people in need of care) is an entirely separate use class from Class C3 (b). It is considered that this distinction reflects the different nature of the two uses. A C3 (b) use is a type of dwellinghouse which implies that the occupants form a single household. Whereas a C2 use is a type of residential institution, which implies that the occupants reside on a more individual basis. For the proposed development, it is considered that the fact that the staff would not permanently occupy the property as there are six carers with only a maximum of two carer bedrooms proposed) and that there would be other staff such as a care home manager and a senior support worker this would suggest that the staff would not form part of a single household and as such, they would not be part of a dwellinghouse. Therefore it is considered that the proposal would be more accurately described as a residential institution and a Class C2 use and as such planning permission would be required for a material change of use.

It is noted that the proposed development would involve no built development and it is considered that the day to day operation of the children’s home would be very similar in character to a large family dwelling (despite the use class distinction set out above). In particular the external aspects of the use, such as the use of the garden and access/parking area would be domestic in nature. However, it would be likely that the number of vehicle movements would be higher than a typical dwelling, reflecting the comings and goings of the staff. Furthermore, due to the accommodation of children who may potentially have challenging backgrounds and the fact the property is a semi-detached dwelling in a built up residential area there is the potential for a higher amount of noise/disturbance. GBC Environmental Protection acknowledge this but raise no objections advising that a condition should be attached to restrict the number

of children to two and a further condition requesting a Noise Management Plan to be submitted for approval prior to any use commencing. They state that the Noise Management Plan should detail measures to deal with noise breakout from both inside the house and also use of the external areas as well as procedures for dealing with any complaints. They state that this is to ensure that noise from the use of the premises as a children's home does not impact on the adjoining premises. It is also considered that this would need to include use of the shared drive and parking etc. Kent Police raise no objections to the proposal but provide comments regarding design features such as fencing, cctv, lighting etc. which could be added as an informative for the benefit of the applicant should permission be forthcoming.

Overall, it is considered that the change of use of no. 56 Colyer Road to a residential children's home would be very similar to the operation of the property as a single family dwelling. There would be no clustering of similar uses in the surrounding area, no new built development and no change to the character of the surrounding area. As such, the proposal would be compliant with Policies CS02 and CS14 (LPCS) and Saved Policy H6(iii) (LPFR).

Having established that the principle of the development is acceptable, it is now necessary to consider all other matters.

Occupier Amenity

The plans show that the property would remain a four bedroom dwelling as is the existing situation and the measurements are therefore taken on this basis. Although the Planning Statement does however state that the ground floor bedroom may be used as a office so it could only potentially be three bedrooms. The Technical Housing Standards (2015) state that for a four bedroom, 5 person dwelling (there is no standard for four bedroom, four person two storey dwelling accommodation as is proposed here) there should be an internal floor area of a minimum of 97 sq.m. The property has an internal floor area of 117 sq. m and therefore exceeds this minimum requirement. The bedrooms would be single occupancy (by the nature of the use) and the bedrooms at first floor would be 13.5 sq. m, 13.3 sq. m, 7.4 sq. m respectively and the downstairs bedroom would be 14.5 sq. m. As such they would all meet or exceed the minimum standard for a single bedroom as set out in the Technical Housing Standards.

SPG2 (2020) states that for a property with four or more bedrooms there should be a minimum of 100 sq. m garden area and minimum depth from rear wall of house of 10m. Calculation of private garden area excludes the areas used for parking or garaging of private motor vehicles. In this case the garden area excluding the existing garage and hardstanding shared drive in front is 73 sq. m and the rear garden depth is 15.3 m. The rear garden depth therefore exceeds the minimum requirement but the garden area would be under by 27 sq. m. However, this is the garden area for the existing dwellinghouse. The proposal is not proposing any development which is reducing the size of the garden further. As this is an existing situation it is not considered an objection can be raised on this occasion.

Overall it is considered that the proposed development would provide acceptable living conditions for future occupiers and therefore is compliant with Policy CS19 (LPCS).

Neighbouring Amenity

The application property is semi-detache dwelling in a residential street with other semi-detached dwellings. There are properties to the east and west and south, to the north are school playing fields. As set out above, the proposed use would be very similar to that of a single family dwellinghouse and therefore it is unlikely that there would be any significant noise/disturbance impacts to neighbours.

The Planning Statement states there are two off-street parking spaces at the rear to accommodate staff and visitors along with on road parking in front of the house. The use of the shared access drive and any parking provision at the rear would be unlikely to be of an increased amount over and above what could potentially take place as a single dwellinghouse with comings and goings of occupants.

GBC Environmental Protection raise no objections to the proposal on the basis of noise or disturbance

instead advising that conditions are recommended to limit the number of children to two and also a noise management plan to detail measures to deal with noise breakout from both inside the house and also use of the external areas as well as procedures for dealing with any complaints. They state this is required in order to ensure that noise from the use of the premises as a children's home does not impact on the adjoining premises.

Overall it is considered that the proposed development subject to conditions would have no significant adverse impacts to neighbouring amenity and therefore is compliant with Policy CS19 (LPCS).

Parking and Highways

It is stated in the Planning Statement that the property has two dedicated parking spaces at the rear to accommodate the staff and visitors along with on road parking in front of the house.

The Highways Officer advises that although the applicant states that two car parking spaces will be available there is no further information or a parking layout plan to show this but if that can be provided along with showing 4 cycle spaces then no objections are raised.

However, it can be seen that the property has a garage at the rear which clearly provides one parking space. There is also space in front of the garage for the parking of one car to provide a second space. It can therefore be seen the dwelling has two off-street parking spaces as existing. It is not therefore considered that a parking plan is required to demonstrate this. Nor is it considered any more parking needs to be provided on site which could only be achieved by removing the front boundary wall and hard paving the whole of the front garden. As can be seen from other examples in the street, where this has been done it is harmful to the character of the streetscene. It would therefore not want to be encouraged in this case. There is sufficient on-street parking in the road for any additional spaces that may be required and it is also prudent to note that the existing property with four bedrooms could have the potential for 4 or more vehicles. It is therefore considered that the proposal would not be likely to lead to any significantly greater amount of vehicles than what could take place with the existing dwelling. As stated there are no objections from the Highways Officer. In respect of parking and highway safety the proposal is therefore considered compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposed development would provide a specialist form of housing for children in a safe urban environment. It would be acceptable in regard to the appropriateness of the proposed development in principle, occupier amenity, neighbouring amenity and parking and highway safety.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	10th October 2023	Dated:	10th October 2023