



Delegated Report

Planning Application

Application No:	20231249
Location:	69 Darnley Road, Gravesend, Kent, DA11 0SQ
Description:	Change of Use from Class C3(A) Dwellinghouse to a Class C2 Residential Institution.
Applicant:	Mr Alan Dennington, Haven Care Support Services LTD
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 04 December 2024;
- Design and Access Statement – dated November 2023;
- Drawing no. 01 – Floor Plans as Existing;
- Drawing no. 02 – Floor Plans as Proposed;
- Drawing no. 03 – Site Location Plan;
- Drawing no. 04 – Block Plans as Existing and Proposed;
- Drawing no. 05 – Elevations as Existing.

Submitted Documents/Plans Note:

The Design and Access Statement contains inconsistencies between the 'Statement of Purpose' and 'Proposed Use' sections, with the number of staff. For the avoidance of doubt, this report has , the maximum number of staff (at a 2:1 ratio) has been taken into account.

Relevant Planning History

Reference	Description	Decision	Decision Date
19840477	Retention of a block of B lock up garages	PERMITTED	13.07.1984
19840162	Conversion of dwellings each into two self-contained flats with maisonette over incorporating two storey rear extension to form kitchen and bathrooms	PERMITTED	21.05.1984

Development Plan

Gravesham Local Plan Core Strategy (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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- H6 – Provision to Meet Special Housing Needs
- T1 – Impact of Development on the Highway Network
- TC3 - Development Affecting Conservation Areas

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 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 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)
- Darnley Road Conservation Area Appraisal (2009)
- Management Plan – Suburban Conservation Areas (2009)

Consultations, Publicity and Representations

External Consultees

Kent Police Designing Out Crime Officer – 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.

Internal Consultees

Local Ward Councillors – No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site 20 December 2023.

In addition, twenty-three surrounding properties were consulted and two representations were received. The two representations registered objections to the development, raising the following considerations:

- Change of use already occurred
- Impact on the amenity of surrounding residents
 - Noise
 - Antisocial behaviour
 - Fighting
- Inconsistencies in supporting documents (number of staff, etc.)
- Concerns with the building being capable of supporting more than 2 children

The consultation period expired 12 January 2024.

Officer's Analysis

Site Description

69 Darnley Road is a four storey property located on the corner junction of Darnley Road and Arthur St. It is located within the urban area of Gravesend and within the Darnley Road Conservation Area.



Proposed Development

This application proposes the change of use of the existing application property from a dwellinghouse (Class C3 (a) 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 basement flat would be retained.

The children's home would accommodate 2 children and there would be more than 2 or 3 members of staff, working shift patterns 24/7.

In the supporting documents it is stated that Haven Care Support Services Ltd central mission is to provide support and accommodation for young people preparing to leave the care system.

Principle of the Development

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (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 (LPCS) 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 (LPFR) (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 of the building as a single family dwelling and self-contained basement flat (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 2 children and the supporting information states that 2 or 3 member of staff would be on site (although this is contradicted when stating that staff would be present at a 2:1 ratio). Therefore, for the purpose of this application it is considered that

there would be a maximum of 4 staff members. 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, 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 permanently occupy the property (with a minimum of 2 carers on site at all times), this would suggest that the staff would form part of a single household and as such, they would 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 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, in general it is likely that the number of vehicle movements would be higher than a typical dwelling, reflecting the comings and goings of the staff. There would be a requirement for 2 off-street parking spaces to accord with Gravesham's adopted parking standards (SPG4), however the information provided states that staff would travel by public transport or private taxi (this is assessed in the later 'Parking and Highways' section).

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 69 Darnley Road to a residential children's home would not result in a 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.

Design and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF (2023) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2023) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 196). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced.

Saved Policy TC3 of the Local Plan First Review (LPFR) (1994) also states that development is expected to make a positive contribution to the conservation area. As the application site lies within the Darnley Road Conservation Area this policy is all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 123 of the NPPF (2023)), this comes with the proviso that it should safeguard and improve the environment

and not conflict with other policies in the NPPF (2023). Relevant to this proposal, paragraph 128 of the NPPF (2023) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

This application does not propose any external alterations or extensions to the building. Therefore, the proposed change of use and conversion of the property will have no impact on the character or appearance of the building or Conservation Area and the proposal is in accordance with Policies CS19 and CS20 (LPCS) as well as Sections 12 and 16 of the NPPF (2023).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The amenity of future occupants is also safeguarded in Policy H5 (iv) which requires proposals for the conversion of existing dwellings to have regard to the adopted Residential Layout Guidelines (RLG) (2020).

Internal living space

In relation to the internal living space, the Councils RLG (2020) and Nationally Described Space Standards (NDSS) (2015) which set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys.

The proposed dwelling has a gross floorspace of 133.8m². The Nationally Described Space Standards require a three storey, three bedroom, six person dwelling (2 children and up to 4 staff at all times – at a 2:1 ratio) to have a minimum floor area of 108m², and as such the dwelling would meet the requirement of the NDSS.

Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property:

	RLG (minimum floor area)	Proposed Room Size
Living Room	13.2m ²	16m ²
Dining Room	9.5m ²	11.9m ²
Kitchen	7.2m ²	8.5m ²
Bathroom	3.6m ²	2.5m ²
Bedroom 1	11.5m ²	21.5m ²
Bedroom 2	11.5m ²	11.9m ²
Bedroom 3	11.5m ²	21m ²
Bathroom	3.6m ²	11.8m ²

The table above has been colour coded, to highlight which rooms accord with the RLG, and demonstrates that all rooms within the property exceed the RLGs minimum standards, with the exception of the ground floor bathroom. However, this bathroom is denoted as shower room on the floor plan and as a shower basin requires less space than a bath, this is considered to be acceptable.

Therefore, the property is an acceptable size to accommodate the change of use into a C2 residential institution for 2 children and 4 staff.

External Occupier Amenity

In terms of external space, the existing garden has an area of 69.3m² and a depth of 13m, which is considered to be good sized amenity space for future occupiers of the property.

Summary

Overall, the property is large and is suitable to accommodate the proposed change of use and provide acceptable living conditions for future occupiers and staff, in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 135(f) of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

Due to the accommodation of children who may potentially have challenging backgrounds and the fact the property is a semi-detached dwelling, with a self-contained basement flat below, in a built-up residential area there is the potential for a higher amount of noise/disturbance. The application has not been supported by a Site Management Plan which would detail clear rules and procedures for the operation of the care home, as well as cover noise management. It is considered that a Site Management Plan should support this application, which would set out rules of operation, as well as cover detailed 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. This would ensure that noise and disturbance from the use of the premises as a children's home does not impact on the adjoining premises or the basement flat to the detriment of their amenity. Therefore, insufficient information has been provided with this application to ensure that the change of use would not impact on amenity of surrounding properties.

A number of representations were received by neighbouring properties expressing concern for amenity through noise, disturbance and antisocial behaviour. The representations suggest that the property is already in operation as a C2 use, referencing excessive noise, fights and disturbance from the young people within the property. Although it is not possible for the Local Planning Authority to confirm that the building is already in operation as a C2 institution, based on the information provided, this is considered to add weight to the requirement of a comprehensive Site Management Plan to address potential issues with noise and antisocial behaviour.

Overall, the proposal is considered to fail to demonstrate it would sufficiently safeguard the amenity of neighbouring properties, contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

Any new development should have an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 9 of the NPPF (2023).

In terms of highways, as aforementioned the existing property does not benefit from off-street parking. Gravesham's adopted parking standards (SPG4) (2006) requires 2 parking spaces for a three bedroom property, therefore the existing arrangement does not accord with these standards. However, the Design and Access Statement highlights that the staff would travel to work by public transport or private taxis, with the exception of the visiting manager who would arrive by car and the children would not be of age to drive. Therefore, subject to the information provided, there would not be a reliance on cars and the site is in a sustainable location close to the town centre.

Overall, the proposed change of use is not considered to have any detrimental impact on the highway

network or parking provisions in the area.

Any Other Material Planning Considerations

Waste Management

The existing waste provision and collection would remain unaltered, with the property being able to use kerbside collection. There is no objection to this arrangement and therefore the proposal is considered acceptable and in accordance with Policy CS19 (LPCS).

Crime and Anti-Social Behaviour

Comments have been received referring to the level of crime and anti-social behaviour associated with the proposed use and concerns have been raised over the potential anti-social behaviour from the proposed use.

The Kent Police Designing Out Crime Officer were consulted on this application and no objections were raised; however it was suggested that the boundary treatments be 1.8m in height with the gates lockable from both sides and security cameras installed at the main entrance. An informative would be added to the application to encourage engagement with Kent Police in this regard if permission were forthcoming. The use of fencing, as suggested by Kent Police, is not considered to impact on the character of the area as it would not be required on the front boundary.

Conclusion

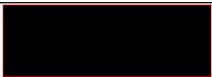
The application has been fully considered and is contrary to local and national planning policy.

Although there is no objection to the principle of converting the property into a C2 residential institution, the application has been supported by insufficient information and lacks the level of detail required to fully assess that the proposed development would safeguard the amenity of neighbouring properties. As such it is recommended that the application is refused contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	30 th January 2024	Dated:	31 st January 2024