

Delegated Report

Planning Application

Planning Application No: 20241099

Location: 98 Cecil Road Gravesend Kent DA11 7DG

Description: Conversion of residential dwelling C3 to care home C2.

Applicant: Ms Marsha Ellis

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form
OS Plan
Existing Block Plan
Proposed Block Plan
EE-01 – Existing Elevations
EFP-01 – Existing Floor Plans
PE-01 – Proposed Elevations
PFP-01 – Proposed Floor Plans
Supporting Statement

Relevant Planning History

No relevant planning history.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Environmental Protection

It is not clear from the supporting statement what level of supervision will be on site – various combinations are suggested. As this is a residential area, there may be noise problems if there is no on-site supervision overnight.

Therefore, it is recommended that a condition is attached to the planning permission should it be granted that requires an Operational/Noise Management Plan be submitted for approval prior to the use commencing.

The Management Plan should cover the following (this list is not exhaustive)

- Measures to supervise the residents over a 24 hour period
- Measures to manage and supervise residents' guests to the property (number of guests and times can visit)
- A complaint procedure for noise (and other complaints)
- How the garden and external area will be used
- How the internal areas will be used to minimise noise and other concerns

GBC Service Manager (Housing Options)

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

GBC Housing Development and Strategy Manager

No comments received.

KCC Biodiversity

No comments received.

Kent Police Designing Out Crime Team

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

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 recommend SBD guidance is utilised 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. The points below identify my recommendations for the layout and design of this scheme.

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 a minimum of 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 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.

Neighbouring properties

5no. surrounding properties were consulted and 1 comment was received, objecting to the scheme. Summary of objection:

- Concerns regarding safety of children in school opposite and users of the pool.
- Concerns regarding impact on availability of on street parking and increase in traffic.
- There is a lack of information on staff parking and how they will obtain and manage permits.

Officer's Analysis

This application proposes to change the use of the existing dwellinghouse under C3(a) use, to a care homes under C2 use. The supporting statement provides limited information but does confirm that it would support users aged 16/17 years old. It does not confirm the number of users but based on the increased number of bedrooms from 3 to 4, it is assumed that the maximum number of users would be 4. However, it is also possible that the users would be lesser in number if the proposal is to also provide sleeping accommodation for staff members. However, the supporting statement does indicate that sleep-in staff will be required but it does not confirm the frequency or number of sleep-in staff required and how the bedroom spaces are allocated between staff members and users. The supporting statement also details common staffing models. However, it does not details which staffing model will be used for this site nor does it

confirm the shift pattern and the number of staff members.

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. Again based on the information available, it appears home would be for up to 4 . 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 has been submitted as an application for C2 use and so this assessment is not necessary. But the difference in the use classes is useful to note. Therefore, it is considered that the proposal would be 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 care 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 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 manage this. 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. 98 Cecil 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 become a four-bedroom property increased from its current 3 bedrooms. This increase would be gained by replacing the ground floor dining room and living room with bedrooms and converting bedroom 2 on the first floor to a breakout room for the occupier of bedroom 1. No information has been provided as to how the rooms will be allocated between sleep in staff and users of the care home.

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 96 sq. m and therefore falls under this minimum requirement, by 1sq. m. The bedrooms would likely be single occupancy (by the nature of the use), but no confirmation has been provided. The bedrooms would be 12.6 sq. m each. As such they would all 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 is 94 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 6 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.

Appendix A (Appeal Ref: APP/F5540/A/13/2194912), details a case where an application for change from family house to Residential Care home for Children who are developmentally challenged, was refused and dismissed. One of the reasons for the outcome was the living conditions of future occupiers. The inspector in that case stated that there are other regulatory boards which would have their own requirements for the accommodation, but the intensity of the occupation would be likely to impact on the living conditions and this should be considered as part of the planning assessment.

In this case the bedrooms would increase to 4, but details of the number of occupiers have not been provided. Assuming this would be limited to 4, the proposed layout which removes all living areas, would mean that each occupier would be confined to their bedroom, unless they were using the kitchen, bathroom or in the garden area. Only Bedroom 1 has a separate breakout area which is 4.9 sq. m, in size.

In the circumstances of 24 hour care it is likely that there would be a need for staff rest rooms, an administration area and quiet or treatment space for referred users and a communal living space, none of which is provided in the proposed scheme. As per the aforementioned appeal, in that similar case, the inspector concluded that there would be an over-intensive use of the main building. It is unlikely that good living conditions for up to 4, unrelated 16/17 year old children, could be provided in this modestly sized

building.

Overall, it is considered that the proposed development would NOT provide acceptable living conditions for future occupiers and therefore is contradictory with Policy CS19 (LPCS).

Neighbouring Amenity

The application property is a detached dwelling in a residential street with other detached dwellings. There are properties to the north, east and south, to the west is a school.

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 subject to conditions.

The Planning Statement does not provide any detailed information on staff numbers or shift patterns and so it is not possible to ascertain how the scheme will impact vehicle movements and parking in the area. There is no off-street parking provision for this site, and none is proposed and given the small front garden area, it is not likely to be able to accommodate such provision.

GBC Environmental Protection raise concerns regarding potential noise issues to local residences. In particular they note that it is not clear from the information provided whether there would be on-site supervision overnight. They advise that conditions are recommended to the planning permission should it be granted that requires an Operational/Noise Management Plan be submitted for approval prior to the use commencing. It is considered therefore that an appropriately worded condition could prevent significant noise impacts on neighbouring properties.

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

The Planning Statement does not provide any detailed information on staff numbers or shift patterns and so it is not possible to ascertain how the scheme will impact vehicle movements and parking in the area. There is no off-street parking provision for this site, and none is proposed and given the small front garden area, it is not likely to be able to accommodate such provision.

Based on visual observations, the permitting of the road, and the lack of presence of driveways or garages along this road, there is a limited amount of parking availability on the street. This is likely to be exacerbated by the presents of the local school at drop off and pick up times. However, the extent that this scheme would impact that parking availability is difficult to assess, given the lack of information submitted with this scheme. Details of staff members, shifts have not been provided. A parking survey and travel plan have also not been provided.

It is therefore considered that the proposal, would lead to an increased level of traffic and on street parking which would not be easily accommodated within the existing local parking availability.

In respect of parking and highway safety the proposal is therefore considered to contradict Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Safety

An objection has been received which raised concerns regarding safety in particular given the location of the school opposite. However, the objection did not detail why the care home would provide a more unsafe space for users of the school, than individuals residing at the dwellinghouse might.

The impact of anti-social behaviour is one that has been discussed in depth within existing caselaw. As

pointed out by the inspector in Appendix B, planning appeal ref T/APP/G5180/A/94/238594/P5, the frequency of behaviour would be difficult to predict and would depend on individual children and the supervision they received, and these are personal matter not of concern with the use of the property. In this case, a relevant point was made by the inspector in Appendix C, planning appeal ref APP/A2280/W/19/3222409, who stated:

‘Concerns are raised about the likely behaviour of a children’s homes residents. However subject to appropriate management practices, I have seen nothing which convinces me that they are likely to be noisier or more badly behaved children or ones with behaviour difficulties although such children can and do live in traditional family dwellings.’

It is noted that if approved a condition would require 24-hour supervision of the children and the children’s home would be regulated by OFSTED.

Therefore, there is no evidence that the proposed use would result in a material change in terms of increased anti-social behaviour.

Conclusion

- There is potential that the scheme would constitute a C3(b) use class and not a C2 use class, which may not require planning permission. However, this can only be confirmed by submission of a Lawful Development Certificate application, for a scheme with that proposal and greater detail of information provided. This application has been submitted as a change to a C2 Care Home and so has been assessed as such, with the necessary consideration any scheme of this nature would be subject to.
- The principle of the change of use is considered acceptable when considered against local and national policies.
- The intensification of the use of this site, and its altered layout, would result in poor living conditions for the occupiers.
- It is considered unlikely that neighbours would be significantly impacted by the development, with any noise concerns able to be addressed by appropriately worded conditions.
- The proposal would lead to an increased level of traffic and on street parking which would not be easily accommodated within the existing local parking availability.
- The altered use of the site is not considered to be likely to result in any public safety concerns above that which would be likely for any number of individuals who could reside in the existing dwellinghouse.

Recommendation

The recommendation is to refuse the scheme for the following reasons:

1. The proposal fails to safeguard the amenity of future occupants due to the intensification of the use of the site and it’s altered layout with no details on number of occupiers, staff members, shift patterns and sleep-in staff members submitted as part of the application. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).
2. The proposed development by reason of its inability to demonstrate adequate level of vehicle on site vehicle and cycle parking provision, resulting in harmful impact to highway safety and failing to take opportunity to improve active travel accessibility, would as result be contrary to paragraphs 111 to 114 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	3rd March 2025	Dated:	5th March 2025