

Delegated Report

Planning Application

Planning Application No: 20230585

Location: 41 Harman Avenue Gravesend Kent DA11 7RJ

Description: Change of use from a C3 Dwellinghouse to accommodation as a C2 residential institution.

Applicant: Amadi

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form;
Supplementary Information – Planning Statement;
First Floor Plan – Proposed (received on 13.09.23);
Site Location Plan (received on 17.07.23);
Drawing No. 44/01 – Ground Floor Plan – Existing;
Drawing No. 44/02 – First Floor Plan – Existing;
Drawing No. 44/04 – REVISED Block Plan – Existing.

Superseded Documents/Plans

Drawing No. 44/004 Block Plan – Existing.

Relevant Planning History

Reference	Description	Decision	Decision Date
TH/2/55/1 (19555001)	Erection of private dwelling house and garage	Permitted	20.01.1955

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
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

- T1 – Impact of Development on the Highway Network
- 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 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015); and
- SPG 4 - KCC Parking Standards (2006).

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This application is confusing, Reference is made to supporting two families of four people, (Planning, Design and Access Statement. The Proposed Development) with children under 5. Under Standard of living accommodation second paragraph, it appears to only refer to one family. As the property only has two bedrooms, either the children sleep with the parents or only one family can be accommodated. Clarification is requested.

Also under The proposed Development, the suggestion is the parents or a parent has mental health and learning disabilities, whilst the Standard of Living Accommodation section suggests that the children will have learning difficulties, again clarification is requested.

The number of people being accommodated, and their physical and mental abilities will have a significant affect on the potential need for car parking for the site and given the submitted information, it is impossible to comment in detail.

With regards to applying vehicle parking standards, the Council has no adopted guidance that would be considered relevant, as the National Planning Policy Framework states maximum vehicle parking standards should not be used except in special circumstances.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

In any event, the proposed development whilst having a use class, does not fit well with the standard form of accommodation that would usually be provided under this use, so an assessment of parking need will be required and supported by a local parking survey of Harman Avenue at 30 minute intervals 6am to 8pm and hourly intervals 8pm to Midnight within 360 metres of the property on a Sunday and a weekday. This equates to an approximate walking time of 5 minutes at 1.2 metres per second. It should be noted that a on street parking space is a minimum of 6 metres long according to adopted guidance in Kent.

Local Ward Councillors

No comments received.

GBC – Waste and Recycling Manager

No comments received.

GBC – Environmental Protection Team

We have no comments with regards to this application.

Kent Police

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 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 Officer

The application involves the change of use from a C3 dwellinghouse to accommodation as a C2 residential institution. It is understood that there will be no changes to the external structure of the property and therefore, it is not considered that the application will have any detrimental impacts upon biodiversity.

Neighbouring properties

Four surrounding properties were consulted, 24 representations were received, and the overall consultation period expired on 05.10.23. The representations objected to the proposal and the concerns have been summarised as follows. Material planning considerations raised shall be dealt with in the relevant sections of the report below.

- Concerns regarding the space for occupiers and their wellbeing and safety
- The environment would cause high stress for the occupiers
- No spaces for children to play
- The 24/7 CCTV seems cruel
- The proposal does not fairly review the impacts to the surrounding community
- Disruptions in the typical tranquil ambiance of the area
- Increase in noise and activity which would be above and beyond a residential dwelling
- Increase in pollution
- Applicants lack of concern for the lack of suitability of the building
- The quality of the submission
- Motivations of the application
- Loss of residential home with no evidence to demonstrate there is a need for development in the area
- The council is failing to maintain the living standards of the local community
- Concerns an approval would set a precedent for future development of this type in the area
- Pressure on water and drainage services and higher levels of waste for disposal
- Demand arising from visitors would have a detrimental impact upon the amenity of nearby properties and occupiers due to additional vehicular activity and parking pressures
- Safety risk for future residents of the scheme posed by the golf course opposite the dwelling
- Potential; risk to the local residents, anti-social behaviour and children in the area
- Loss of privacy in gardens
- Security
- Effect on amenity – becoming less desirable and less attractive for the locals
- Emphasis on cycling as a primary mode of transport proves impractical and unsafe
- Not close to any amenities and will need a car
- On a very busy road
- Quiet retirement location, massive disruption to the local area
- Cars parked outside the property on the grass area would destroy the natural asset
- A shared bathroom for two families with complex needs is inadequate along with one living room and a kitchen
- The property is inappropriate for this proposal
- Believe there are some instances of asbestos around the guttering and soil pipe, the roof needs work and no structural improvements for some time

- Impact on neighbouring residents health and well being
- House advertised on AirBandB, then noticed comings and goings of multiple men using a mini bus as transport
- Property used as a HMO for up to 7 sub contractors
- Site is poorly served by public transport
- Only one secondary school that can be reached on foot within walking distance
- It will affect the standards and value of this area

Some of the above comments are not material planning considerations and/or fall outside of the planning remit and as such shall not be assessed or considered within this application.

Officer's Analysis

41 Harman Avenue is a two storey detached dwelling located south of the highway.

Google Aerial Image



Photo provided with this application

Rear Garden



The application proposes a change of use of the property from a dwellinghouse (Class C3 (a) of the of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a residential institution (Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

The planning statement states:

The proposed family assessment would specialise in supporting parents with mental health and learning disabilities and would be occupied by two families and this will be 2 adults and 2 children (under 5 years old). The occupants would be persons who have experienced parenting difficulties whose parenting capacity is assessed in a residential environment in which they are supported with positive parenting. The families would be in residence for between 3 and 12 months. A total of three support workers will be on duty during the day and two during the night.

However, the planning statement goes on to say:

At first floor there will be two bedrooms that will be occupied by the two adult and two children with learning difficulties. The smallest bedroom will be used as an office for the staff that will be supporting the service users. The two rooms that will be used as bedrooms are of acceptable size and can provide an acceptable standard of sleeping accommodation for a two adult and two

children. The proposed office is also of a good size to be used as an office for this proposed use.

As such, there is ambiguous information provided within the statement and it is considered that insufficient information has been provided for the proposal overall.

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.

As aforementioned above, insufficient information has been provided to support the application. As such, a thorough assessment of the appropriateness of the development cannot be made.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

Gravesham’s Householder Extensions/Alterations Design Guidance (SPD) (2021) states *it is important to ensure that any extensions or alterations to a home are well designed, well-built and sympathetic to their surroundings. By doing so we can ensure that there are no adverse effects on the original house, immediate neighbours, the local view of the street, as well as the character and appearance of the local area.*

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. There are to be no external changes to the property, as indicated within the planning statement. As such, in terms of design. Character and appearance, the proposal is considered to be in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023.)

Amenity of Future Occupiers

The Government Technical Housing Standards – nationally described space standard (2015) sets out minimal gross internal floor areas and storage. Gravesham's SPG2 – Residential Layout Guidelines (RLG) (2020) sets out expected room sizes and minimum garden space post development.

As highlighted above, there is insufficient and ambiguous information provided with this application. As such, it is not possible to fully assess the amenity of future occupiers. However, it is clear from the Government Technical Housing Standards that bedrooms should be limited to two persons. As such, two families of *2 adults and 2 children (under 5 years old)*, if this is indeed what is proposed, would be contrary to the standards.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0

Although the remaining rooms would generally comply with the RLG (2020), insufficient information has been provided to consider other impacts on the amenity of future occupiers, such as noise/disturbance from the overnight support workers that may be using the office, to give one example.

Overall, the proposal has not demonstrated that the amenity of future occupiers would be safeguarded and is contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2023).

Neighbouring Amenity

As aforementioned above, representations were received objecting to the proposal. Neighbouring amenity shall now be considered.

There are to be no external changes that arise as a result of this proposal, as such there would be no detrimental impact on neighbouring amenity in terms of loss of light, privacy, outlook and the development would not cause a sense of enclosure.

Noise

The impact of noise/anti-social behaviour is one that has been discussed in depth. The inspector in planning appeal ref: APP/A2280/W/19/3222409 stated:

'noise generated within the house and garden from the occupiers would be unlikely to be significantly different from that created by its use as a single dwelling'

and;

'Concerns are raised about the likely behaviour of a children's home's 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 than any other children. I recognise that the facility would be for unruly

children or ones with behavioural difficulties although such children can and do live in traditional family dwellings.'

Notwithstanding the above, noise is a material planning consideration and insufficient information has been provided. There is no management plan in terms of details of shift patterns and timings for the support workers, along with any mitigation measures in terms of noise and impact on neighbouring amenity. As such, the noise impact is unknown.

Overall, the proposal is considered to fail to demonstrate it would sufficiently safeguard the amenity of neighbouring properties, contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2023).

Highways and Parking

As previously mentioned, insufficient information has been provided with this application. No parking layout plan has been provided to demonstrate any off-street parking that could be utilised on site, although it is noted the property benefits from a garage, the planning statement indicates this provides parking but then later states it would continue to be used for storage. Although it is noted that there are no parking restrictions in place and on street parking is available, no information has been provided in order to understand the impact the development would have on the current parking arrangements. As highlighted by Gravesham's Highways Officer: *The number of people being accommodated, and their physical and mental abilities will have a significant affect on the potential need for car parking for the site and given the submitted information, it is impossible to comment in detail. Additionally, the Officer states: an assessment of parking need will be required and supported by a local parking survey of Harman Avenue.*

In respect of parking and highways, the proposal is therefore not considered to be compliant with Policy CS11 (LPCS) (2014) and saved Policy P3 (LPFR) (1994).

Any Other Material Planning Considerations

Biodiversity

KCC Biodiversity raise no concerns with regards to this proposal as there are no external changes proposed.

Conclusion

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

Insufficient and ambiguous information has been submitted that lacks the level of detail required to fully assess the proposal. As submitted, the application fails to demonstrate how the amenity of future occupiers would be safeguarded, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023). In addition, the application fails to show how the amenity of neighbouring properties would be safeguarded, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023). Furthermore, the proposal fails to include a parking layout plan and detailed information to demonstrate that the development would not have a detrimental impact on highways and parking. As such the proposal is not considered to comply with Policy CS11 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and saved Policy P3 of the Local Plan First Review (LPFR) (1994).

Recommendation

Refusal

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	16 th November 2023	Dated:	16th November 2023