

Delegated Report

Full Planning Application

Application No:	20231094
Location:	4 St Georges Crescent, Gravesend, Kent, DA12 4AR
Description:	Change of Use from Class C3 Dwellinghouse to Class C2 Residential Institution.
Applicant:	Anderson Okporho

Submitted Documents/Plans

- Application Form – dated 14 October 2023;
- Design and Access Statement produced by Chardran Hughes Architects – dated October 2023;
- Supplementary Information – Location Risk Assessment for Children’ Home (produced by PCS Services Ltd);
- Supplementary Information – Statement of Purpose (produced by PCS Services Ltd);
- Supplementary Information – Welcome to St Georges House documents;
- Supplementary Information – Standards for Independent and Semi-Independent Provision for Looked-after Children (December 2021) (by Department for Education);
- Supplementary Information – What Types of Needs do Children’s Homes Offer Care For (8 July 2022) (by GOV.UK);
- Supplementary Information – Why do Children go into Children’s Homes (13 April 2022) (by GOV.UK);
- Drawing no. SGC-CHA-XX-DR-0001 – Site Location and Block Plan;
- Drawing no. SGC-CHA-XX-DR-0002 – Existing Ground Floor Plan;
- Drawing no. SGC-CHA-XX-DR-0003 – Existing First Floor Plan;
- Drawing no. SGC-CHA-XX-DR-0004 – Existing Roof Plan;
- Drawing no. SGC-CHA-XX-DR-0005 – Existing Elevations;
- Drawing no. SGC-CHA-XX-DR-0006 – Existing and Proposed Sections;
- Drawing no. SGC-CHA-XX-DR-0007 – Proposed Ground Floor Plan;
- Drawing no. SGC-CHA-XX-DR-0008 – Proposed First Floor Plan;
- Drawing no. SGC-CHA-XX-DR-0009 – Proposed Roof Plan;
- Drawing no. SGC-CHA-XX-DR-0010 – Proposed Elevations.

Relevant Planning History

No relevant planning history

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 the Housing Stock by the Conversion of Existing Buildings
- H6 – Provision to Meet Special Housing Needs
- T1 – Impact of Development on the Highway Network

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

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)
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standards (2015)

Consultations, Publicity and Representations

External Consultees

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 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.
5. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard, unless this will be managed by a warden/ receptionist.

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

GBC Environmental Health (Regulatory Services) – We have no comments with regards to this application.

GBC Highways – It is noted that a maximum of two staff will be in attendance at any one time, so generally a maximum of 4 staff would be employed per day over two shifts, which would require a minimum of 2 parking spaces for staff, (Maximum demand being at the time of hand over, when both shifts will be on site at the same time) plus one for visitors to comply with guidance, (one space per six bedrooms). This is supported in the applicants Design and Access Statement,

Car Parking

For a residential institution, the Kent Vehicle Parking Standards require a maximum of one space per resident staff plus one space per two additional staff. The proposal has 2 members of staff on site at one time, therefore only 2 parking spaces are required. Staff members are also encouraged to travel in using public transport.

However, no parking plan seems to have been submitted and the only existing provision appears to be a garage at the rear of the property. Two additional car parking spaces are therefore required. Car parking should not be in tandem as staff are involved one member of staff's vehicle could obstruct another. There is space in the rear garden to accommodate three vehicles so if you are minded to approve then a condition would suffice, but it should be provided before first occupation.

I note the objections, regarding car parking, but the proposal is capable of meeting car parking guidance, which permits visitor parking for a dwelling to occur on street.

Local Ward Councillor - My concern is the accommodation of the staff over a 24hr period. At night in particular the three children have their own bedroom so no sleeping facility for staff. To be safe 2 staff should be present at night. Also a total of 10 staff are involved is there is no room to accommodate them and is there a private space for the children when interviewed by the staff.

Neighbouring properties

A notice was displayed on site.

In addition, fourteen surrounding properties were consulted and four objections were received. The objectors raised the following concerns, which have been separated into material and non-material planning considerations (please note – only the material planning considerations are relevant to this decision).

Material Considerations

- Out of Character with the area – all properties are single family dwellings
- Not Suitable for Conversion
- Kent Police requirements (i.e. fencing) harmful to character of the area
- Loss of Privacy
- Noise
- Anti-social Behaviour
- Inaccuracies in the Supporting Documents

Non-Material Considerations

- Loss of Property Value

The consultation period expired 1st December 2023.

Officer's Analysis

Site Description

4 St George's Crescent is a three-bedroom dwelling located on the southern side of the highway.



The property is elevated above the highway, with steps providing access to the front porch. It benefits from a single storey side projection and a conservatory at the rear. There is a detached garage in the garage which is served by a shared access from St David's Crescent.

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 children's home would accommodate up to 3 children and there would be more than 10 members of staff, with a minimum of 2 on the premises at any time working shift patterns 24/7.

In the supporting documents it is stated that the residential care home's central mission is to provide a sanctuary for children in need – to provide high quality care in a warm and loving environment, where children feel safe, secure and most importantly they feel valued and wanted.

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 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 three children. There would be more than 10 staff members, and it is stated that a minimum of 2 staff on site at all times, however it is unclear from the information provided of what each role would be. It is stated that one of the three bedrooms at first floor level will be allocated as an office space. 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 the first floor carer office is counted), the proposal would still be within 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 as there are over 10 staff (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 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. There would be a requirement for 2 off-street parking spaces, but no information has been provided (this is covered 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 4 St Georges Crescent 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, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

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 street scene and the proposal is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Residential Amenity

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 (2016) 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 101.9m². The Nationally Described Space Standards

require a two storey, three bedroom, five person dwelling (3 children and 2 staff at all times) to have a minimum floor area of 93m², 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/Diner	18m ²	12m ²
Conservatory	-	7.3m ²
Kitchen	7.2m ²	7.8m ²
Bathroom (ground floor)	3.6m ²	2.2m ²
Bedroom 1	11.5m ²	12.5m ²
Bedroom 2	11.5m ²	11.2m ²
Bedroom 3	11.5m ²	11.9m ²
Office	-	6.8m ²
Bathroom (first floor)	3.6m ²	2.2m ²

The table above has been colour coded, to highlight which rooms accord with the RLG, and demonstrates that a number of rooms within the property are undersized compared to the RLGs minimum standards. The 'bathrooms' are denoted as shower rooms on the floor plan and although a shower basin requires less space than a bath, the floor area of 2.2m² is considerably below that of a standard bathroom and would be cramped when including a wc and basin. Moreover, the property would be occupied by a minimum of 5 persons at all times (3 children / 2 staff) and would have a 6m² undersized living/dining area. While it is acknowledged that there is a conservatory at the rear which increases the available living space, this is a narrow projection (1.5m depth) and therefore offers little usable space. Lastly, bedroom 2 is undersized compared to the minimum standard, however in this case this is only 0.3m² below the minimum and on balance would be acceptable.

Given that the property would house up to 3 residents, with 2 permanent carers 24/7 and additional staff/visitors, the proposed C2 residential institution would provide poor amenity for future occupiers, with undersized living spaces. As such, it is a cramped form of development contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

External Occupier Amenity

In terms of external space, the existing garden has an area of 91.6m² and a depth of 17.75m, which is considered to be good sized amenity space for future occupiers of the property.

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

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. 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. Although the 'Welcome to St Georges House' does set out a general questions and answers for residents, it is not considered sufficient given the surrounding context and the potential for disturbance. GBC Environmental Protection have raised no objections; however 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 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 loss of privacy. The noise and disturbance has been covered above, however the privacy concerns relate to cctv proposed. While no information has been provided relating to the cameras or their location, the installation of cctv does not generally require planning consent and as such is not a material consideration in this case. Moreover, there is no new additional development proposed which would impact on privacy.

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).

Summary

Overall, the proposed change of use would provide unacceptable living conditions for future occupiers contrary to local and national space standards and insufficient information has been provided to ensure that the amenity of surrounding residences would be safeguarded. Therefore, it is recommended that the application is refused on amenity grounds contrary to Policy CS19 (LCPS) and Section 12 of the NPPF (2023).

Parking and Highways

In terms of highways, as aforementioned the existing property does not benefit from off-street parking to the front although there is a garage to the rear. 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. The Design and Access Statement highlights that there would be 2 spaces required for staff, but the application has not been supported by a parking plan to demonstrate where the vehicles would be parked.

Gravesham's Highways Officer has not raised objection to the development, stating that there is space available to park in the garden area, but has highlighted that a parking plan is required. This could be secured by condition if permission is forthcoming.

A number of objections from neighbours expressed concern with the increased parking pressures on the street as a result of this development. In this case, the Highways Officer consider there to be adequate space in the garden for vehicular parking but there is no information provided relating to this arrangement. Therefore, due to other grounds of refusal, the lack of information on parking will be included as a ground of refusal.

Overall, the proposed development fails to provide adequate off-street parking to accommodate the change of use contrary to Gravesham's adopted parking standards (SPG 4) (2006) and is not in accordance with Policy CS11 (LPCS) and saved Policy P3 (LPFR) (1994).

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 will 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.

The application fails to safeguard the amenity of future occupiers, by providing substandard and undersized rooms for the number of occupants, staff and visitors contrary to Gravesham's Residential Layout Guidelines (2020). Therefore, it would be a cramped form of development that is harmful to amenity and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

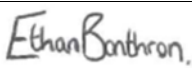
Moreover, insufficient information has been submitted that lacks the level of detail required to fully assess that the proposed development would safeguard the amenity of neighbouring properties, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National 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:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	20 th December 2023	Dated:	20th December 2023