

Delegated Report

Householder Planning Application

Planning Application No: 20220949

Location: Orchard Cottage, 78 Old Road East Gravesend Kent

Description: Change of use from C2 residential institution to C3 dwelling.

Applicant: Mr & Mrs Khaira

Site Visit Date: Desk top

Submitted Documents/Plans

- Application form;
- Drawing no. 01 – Floor Plans As Existing;
- Drawing no. 02 – Elevations As Existing;
- Drawing no. 03 – Floor Plans As Proposed;
- Drawing no. 04 – Elevations As Proposed;
- Drawing no. 05 – Site Location Plan; and
- Drawing no. 06 – Block Plans As Existing & As Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
19860094	Change of use of dwelling house to a residential home for the elderly and formation of three car parking spaces	Permitted	07.04.1986

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS10 – Physical and Social Infrastructure
- Cs14 – Housing Type and Size
- CS11 - Transport
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- Increasing the Housing Stock by Conversion
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

- i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 123(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '2' residential units would offer a minimal but important contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2019) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

I have no objections, but would at some stage like to see a parking plan to ensure suitable provision for parking and turning on site is protected.

In addition, provision should be made for the secure parking of 6 cycles to conform to the requirements of SPG4, a discount of one cycle shaving been given for the previous use.

Given the size of the site, both can be conditions.

Neighbouring properties

10 surrounding properties were consulted – one response received the comments of which can be summarised as follows:

- No objection to change of use to a family home however, if used for other purposes i.e. – a small HMO then would want further details and the opportunity to comment.

Officer's Analysis

The application site consists of a two storey detached building which is currently in use as a 7 bedroom care home – 'Orchard Cottage Care Home'. The front of the building is laid to lawn with a pathway leading up to the front door. There is a drive to the eastern side of the property which leads to the rear of the house with space for a number of vehicles. There is a large rear garden laid to lawn. The property is surrounded by other similar sized large dwellings which are in use as single family dwellings. The site is located in the Thames Estuary And Marshes Ramsar Buffer Zone, an Area of Archaeological Potential and the Pine Avenue and Holyoake Mount Historic Landfill Buffer Zone Sites. The proposal is to convert the property from a residential care home (use class C2) to a single family dwelling (use class C3) with seven bedrooms.

The principle issues in the assessment of the application are:

- Principle
- Amenity of Occupiers
- Parking and Highway Safety
- Ecology and Biodiversity

Principle

Local planning policy does not deal specifically with the loss of existing institutional type uses, although it does recognise that the provision of housing to meet the requirements of people in special need of help or supervision should be supported. The application building was originally a single dwelling and was converted from this to a residential care home in the late 1980's (ref. 19860094). The application property is within the suburbs of Gravesend in a predominantly residential area. The proposal would provide a net addition of one large unit of accommodation which would provide a minor contribution to the Borough's housing supply, of which there is a shortage. On balance, it is considered that the principle of converting the existing residential care home into a single family dwelling is acceptable.

Amenity of Future Occupiers

The property would be a seven bedroom dwelling with an internal floor area of 249 sq. m. The Technical housing standards (2015) do not go up to seven bedroom properties; the nearest reference point is a six bedroom, 8 person two storey dwelling which has a minimum floor area criteria of 132 sq. m. Using this as a reference point and with the application property having an internal floor area of 249 sq. m, the proposal

for a seven bedroom property is therefore considered to be comfortably provide sufficiently sized accommodation.

With regards to the bedrooms, the bedroom sizes are 20.8 sq.m, 10 sq. m, 14.5 sq.m, 10.3 sq. m, 11.3 sq. m, 11.7 sq. m and 12.4 sq. m. All bedrooms therefore exceed the minimum standard for double bedrooms (11.5 sq. m) as set out in the Technical Housing Standards (2015) apart from three however, as these three are only just under the minimum standard for a double bedroom and they are significantly over the minimum standard for a single bedroom (7.5 sq. m) then it is considered that future occupiers of the dwelling would have sufficient sized bedrooms.

The rear garden would remain the same as existing in area and depth which is some 591 sq. m in area and some 31m in depth.

Overall in respect of occupier amenity the proposal is considered compliant with Policy CS19 (LPCS).

Parking and Highways Safety

SPG4 sets out that for a property with four or more bedrooms there should be a maximum of three spaces per dwelling. The property has an existing drive and large area of hardstanding with space for the parking of certainly more than three vehicles. The Highways Officer has requested a parking plan and cycle however given the very large size of the drive and hardstanding area it is considered a parking plan is not needed as there is ample room for the parking of vehicles and cycles for this property. In respect of parking and highway safety the proposal is compliant with saved Policy P3 (LPFR).

Ecology & Biodiversity

The site is located in the Thames Estuary And Marshes Ramsar Buffer Zone. The existing use of the site is as a residential care home (use class C2). The SAMMS tariff applies to any new C2 residential institutions per unit and so with the property being seven units currently and proposing to change to one unit (single family dwelling) there would actually be a net loss of units (-6) and so with no net addition of units there is no SAMMS payable in this case.

Other

Design, Character and Appearance

There are no external changes proposed therefore, no impact on the character and appearance of the dwelling and streetscene and in this regard the proposal is compliant with Policy CS19 (LPCS).

Neighbouring Amenity

With no external changes there would be no impact on neighbouring properties and in this respect the proposal is considered compliant with Policy CS19 (LPCS).

Refuse

Due to the size of the plot and the hardstanding area there is sufficient space to store refuse bins on site for this single family dwelling and so it is not considered necessary to condition siting and appearance of a refuse store and in this regard the proposal is considered compliant with Policy CS19 (LPCS).

Use

This application is for change of use from C2 Secure Residential Institution to C3 (Dwellinghouses) which is formed of three parts – C3(a) use by a single person or family; C3 (b) up to six people living together as a single household and receiving care; and C3(c) groups of people (up to six) living together as a single household. A C3 use would allow any of these uses and so in respect to neighbour comments received

regarding the property being an HMO, should permission be forthcoming to change the property from C2 residential institution to C3 dwellinghouses then an HMO (House of Multiple Occupation) with up to six persons could operate without needing planning permission but any HMO with more than six persons would be classed as sui generis and would need planning permission. It is not considered reasonable to remove permitted development rights for C3 (c) as there is no reasonable reason to do so.

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal would provide one large unit of accommodation to the Borough, protect the amenity of future occupiers, be acceptable in respect of parking and highway safety and SAMMS contribution would not be applicable in this case; there would also be no issues with regards design, character and appearance and neighbouring amenity.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	20th October 2022	Dated:	20th October 2022