

REFERENCE NO - 19/506312/FULL		
APPLICATION PROPOSAL Change of use from residential dwelling (Class C3) to a residential care home for 4 no. children aged 8 - 18 years (Class C2).		
ADDRESS 55 Northumberland Road, Maidstone, Kent, ME15 7LG		
RECOMMENDATION Grant planning permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would continue the residential use of the property in a similar fashion to surrounding dwellings. The proposed use would be in keeping with the residential area and would be acceptable in relation to amenity and the highway network.		
REASON FOR REFERRAL TO COMMITTEE Call in from Cllr Marion Ring who has expressed the following concerns: <ul style="list-style-type: none">• A care facility would be an inappropriate use in this area.• Strong worries about the area due to terrible anti-social behaviour we suffer nightly with gangs of children running the streets.• A house so close to other property, on a very busy main road this is trouble in the making waiting to happen.		
WARD Shepway North	PARISH/TOWN COUNCIL N/A	APPLICANT Ms. Hannah Smith AGENT N/A
TARGET DECISION DATE 29/05/2020 (EOT)		PUBLICITY EXPIRY DATE 21/02/2019

Relevant Planning History

No relevant planning history

MAIN REPORT

1 DESCRIPTION OF SITE

1.01 55 Northumberland Road is located on the northern side of the road and is a two storey semi-detached property with an attached garage. Neighbouring properties are

Planning Committee

21 May 2020

primarily semi-detached but there is a row of terrace dwellings opposite the site on the southern side of the road.

1.02 Northumberland Road is primarily residential in nature, suburban in appearance with trees lining the road side.

1.03 For the purposes of the Maidstone Local Plan, the proposal site is within the Maidstone urban area.

2. PROPOSAL

2.01 The application seeks to change the use of the residential dwelling which is a Class C3 use (dwellinghouse) to that of a residential care home for 4 children aged between 8 and 18 which would be a Class C2 use (residential institution).

2.02 No external or internal works are proposed. The applicant has provided the following description for the application: *"This application relates to the change of use of use from the traditional family setting to that of a family home for 4 children aged 8-18 who require 24 hour care and support in a residential care setting. The application does not propose any changes to the internal or external structure of the home. The day to day activities and use of the property would be similar to that of a dwellinghouse use and will mirror the traditional family home environment in order to ensure that children cared for have the same opportunities and are not significantly disadvantaged to that of their peers."*

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM9 – Residential extensions, conversions and redevelopment within the built up area

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

4. LOCAL REPRESENTATIONS

Local Residents

4.01 Four representations have been received as a result of the initial neighbour consultation objecting to the development on the following grounds.

- Loss of parking in the area
- Noise disturbances
- Inappropriate use
- Highways safety
- Inappropriate use in the area/existing anti-social behaviour issues in the area.
- Legal covenants and legislative issues

4.02 Legal covenants and legislative issues of using the dwelling as a care facility have also been raised. Legal covenants and matters covered under separate legislation are considered outside of the planning system and as such they are not material to the determination of this planning application.

Cllr Marion Ring

4.03 I wish to take this planning application 19/506312/ full to full planning committee, I have very strong worries about the area due to terrible anti-social behaviour we suffer

nightly with gangs of children running the streets. A house so close to other property, on a very busy main road this is trouble in the making waiting to happen.

5. CONSULTATIONS

KCC Highways

- 5.01 No objection. Recommend standard informative on seeking all necessary highway approvals;

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Design / impact on character of the area
 - Residential amenity
 - Highways issues
- 6.02 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. 'Change of use' can occur within the same use class without planning permission, change of use from one use class to another class does generally require planning permission.
- 6.03 Part C of the Order deals with a number of different residential uses, these include Class C3 (dwellinghouses). Class C3 is formed of three parts including C3(b) that allows up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 6.04 It is highlighted that the application property could be used as a supported housing scheme (for example for people with learning disabilities or mental health problems) six people living together as a single household under Class C3(b) without the need for any planning permission.
- 6.05 The current planning application is for the change of use of the building from a residential dwelling (Class C3a) to a residential care home for 4 children aged 8 - 18 years (Class C2). The Class C2 category includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- 6.06 Planning case law has clarified that the distinction between Class C3b and C2 and the need for permission from Class C3b to C2, is dependent on whether the proposed use operates as a single household. The nature of a children's care home use, where there is no parent and care is provided on a rota basis, would mean that a children's care home use is a C2 use.
- ### **Design / impact on character of the area**
- 6.07 Local plan policy DM9 states that the intensified use of a building and its curtilage must not significantly harm the appearance of the building or the character of the area.
- 6.08 The current application does not involve any external or internal building alterations and as such there are no visual impact issues with the development. The use of the building will remain as residential, which is in keeping with the existing residential character of the area.

Neighbour amenity.

- 6.09 Local plan policy DM9 states that the intensified use of a building and its curtilage must not significantly harm the amenity of the surrounding area. Policy DM1 states that development must respect the amenities of occupiers of neighbouring properties. This should be achieved by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the proposal is acceptable in terms of loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.10 The current planning application involves a change between two different residential uses, a single family dwellinghouse (Class C3a) to a residential care home for 4 children aged 8 - 18 years. Planning permission is required as the care that is provided means that the intended use would not operate as a single household.
- 6.11 When considering the suburban, residential nature of the local area and the use of the dwelling as a care facility for 4 children (plus adults) it is not considered this would be out of keeping with the use of dwelling as it exists now or the area it is situated in. It is a residential use occurring within a residential area.
- 6.12 The proposed use is small scale and it would not be uncommon, and there would be no barrier, for the same number of children to live together as a family with two adults. In this context the general activity, noise levels etc. associated with the proposed use would be comparable to use by a family.
- 6.13 Consultation responses have questioned whether the use is appropriate in this area that has existing local anti-social behaviour issues with local teenagers and the concern that the proposed use will increase this behaviour.
- 6.14 The applicant has stated "*This application relates to the change of use of use from the traditional family setting to that of a family home for 4 children aged 8-18 who require 24 hour care and support in a residential care setting....use of the property... will mirror the traditional family home environment in order to ensure that children cared for have the same opportunities and are not significantly disadvantaged to that of their peers*".
- 6.15 The proposed use will provide a high level of support and supervision with 24 hour care provided to future residents by trained staff. Offering a further level of protection, outside of the planning system, the home would be subject to inspection and regulation by Ofsted. Ofsted also stipulate the level of training that future staff will be required to have. The applicant has provided a management plan that includes engagement with neighbours in the form of a contact email address and a monthly meeting in a neutral space.
- 6.16 In terms of the choice of location the applicant states "*Email received from the Practice Development Team in Kent County Council who were able to provide a location assessment for the property. Advice was also provided in terms of provisions available around the area and potential risks for children and young people. There were no particular areas for concern identified and no objections to young people residing in the area*".
- 6.17 Whilst the concerns expressed through the consultation process are understood, there is no evidence to suggest that the proposed use would lead to an increase in anti social behaviour locally. With the small number of children accommodated, the care and support that is provided as part of the use, and the independent inspection under separate legislation, the proposed use is considered acceptable in relation to neighbour amenity.

Standard of the proposed accommodation

- 6.18 Local Plan policy SP19 states that the Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. The council will work with partners to support the provision of specialist and supported housing.
- 6.19 Local plan policy DM1 states that development must provide adequate residential amenities for future occupiers by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.20 The current proposal does not include any internal or external building alterations and it is considered that the current building can provide a good standard of accommodation. As noted above the building would also be subject to separate inspection under separate legislation.

Highways and parking

- 6.21 The application property has a large garage, with a small parking area to the front. The use will accommodate 4 children (aged between 8-18 years old) with 2 full time staff.
- 6.22 The proposal does not include any alteration or extension to the building with the same number of bedrooms. With their age and available resources, it is unlikely that future residents will own a car.
- 6.23 It is considered that vehicle movements associated with the use and parking demand would be comparable to the existing use as a family dwelling and these can be safely accommodated on the local road network.

Conclusion

- 6.24 The proposal is acceptable in relation to the potential impact on Northumberland Road, the development would have no impact visually, or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.
- 6.25 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

PUBLIC SECTOR EQUALITY DUTY

- 6.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine the objectives of the Duty.

7. RECOMMENDATION

Grant Planning Permission subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Planning Committee

21 May 2020

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Application for planning permission
Supplementary Information
Existing Floor Plans
Proposed Floor Plans
Location Plan

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

Informative

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Case officer: William Fletcher