

4.1 23/00750/FUL

Date expires 23 June 2023

Proposal: Change of use from Use Class C3 (dwellinghouse) to Use Class C2 for use as a family assessment centre.

Location: The Lodge, 1 Top Dartford Road, Hextable Swanley
Kent BR8 7SG

Ward(s): Hextable

Item for decision

Councillor Kitchener has referred the application to Development Management Committee on the grounds the proposed development will result in a loss of neighbour amenity and highway safety.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1 Unnumbered scaled 1:1250 Site location plan and drawing nos. 2022260_PL01, 2022260_PL02.

For the avoidance of doubt and in the interests of proper planning.

3) The premises hereby permitted shall be specifically used for the purpose applied for and for no other purpose (including any other purpose within C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without re-modification).

So that any other proposal for the use of the premises is the subject of a separate application to be determined on its merits having regard to relevant development plan policies.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The site comprises of a detached two-storey building located near the junction between College Road, Top Dartford/Main Road, St David's Road and Crossways within the parish of Hextable. Planning permission was granted in 2010 to convert the building from offices to dwelling.

Description of proposal

- 2 Planning permission is sought for the conversion of the dwelling to Use Class C2 (Residential Institution) for the use of the site as a family assessment centre.

Relevant planning history

- 3 22/03227/LDCPR - Change of use from single dwelling C3 to a family assessment centre to C3 (b). - Refused
- 4 22/02153/LDCPR - Change of use from single dwelling C3 to a family assessment centre to C3 (b). - Refused
- 5 10/00366/FUL - Change of use from (B1) office to one dwelling (C3) including garden area, use of the existing access and the provision of 4 parking spaces and a turning area. Alterations to fenestration and erection of a 1.8m trellis to enclose a courtyard - Granted
- 6 09/00785/FUL - Change of use from the current office premises into a full day care nursery with children attending 3 months to 10 years (at after school club) no building work required. - Refused

Policies

- 7 National Planning Policy Framework (NPPF)

- 8 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 9 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - 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.
- 10 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 11 Core Strategy (CS)
- SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO7 Development in Rural Settlements
- 12 Allocations and Development Management (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - H4 Reuse and Protection of Existing Housing Stock
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking

Constraints

- 13 The relevant constraints apply:
- Settlement confines of Hextable

Consultations

- 14 Hextable Parish Council:
 “The Parish council object to the change of use on the grounds that the additional traffic generated by this facility would be both excessive and dangerous. With the entrance to the site in-between two roundabouts, over a dropped kerb across the pavement, the movement of vehicles in and out

would introduce an unacceptable safety risk. There are also concerns regarding parking for the site as there is not sufficient parking for this facility on site.

- 15 The application also states it is not commercial where the Parish Council believes it will be. If the clients are to be residential does this not indicate it will be a house of multiple occupancy and surely this then makes the current application invalid.”
- 16 KCC Highways:
“..The application proposes the change of use from a residential dwelling, Use class C3 to a Family Assessment Centre, Use Class C2. The proposal will utilise an existing access with an established use and the parking provision within the site will remain unchanged.
- 17 Analysis of the Crash Map website shows two Personal Injury Collisions on the B258 over the last 5 years, it is not felt that there is an existing issue that could be exacerbated by the development.
- 18 In accordance with Kent Parking Standards, four parking spaces are proposed for the staff use and the standards quote maximum number of spaces for this use class. Bus services are available within a 50 metres of the site on the B258 with an hourly service being available through the day - Monday to Saturday.
- 19 Having considered the development proposals and the effect on the highway network, Kent Highways raise no objection. As paragraph 111 of the National Planning Policy Framework (NPPF) states 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. This application would not have a severe impact on highway safety, and therefore, KCC Highways will not be objecting on this basis.”

Representations

- 20 53 letters of objections have been received outlining the following matters:
- Village is not large enough to support this development, larger towns would be more suitable.
 - Not enough facilities to support the development.
 - Would increase traffic in the area.
 - Loss of highway safety due to location between two roundabouts.
 - Lack of parking space in the area.
 - Social housing not suitable for the area.

- Lack of infrastructure and services (i.e. doctors) for the development.
- Residents would feel unsafe with gang members in the area.
- Green harvest website states its clients are "young adults and families with challenging behaviour, criminal activities & gang related activities".
- Minimal garden for the size of the house.
- Not enough parking for staff and residents/visitors.
- Site is near primary school, increased use of driveway will be a danger to the children.
- House price devaluation in the area.
- No public transport after 6pm.
- Will increase crime in the area.
- No changes since previous refusals.
- Planning statement appears to indicate no night time supervision.
- Development is for an HMO in all but name.

21 1 letter of support received:

- Proposed change of use seems reasonable.
- Number of staff would not increase the space needed for parking.
- Traffic problems would be low due to slow speed as a result of the roundabouts.

Chief Planning Officer's appraisal

22 The main planning consideration are:

- Principle of development;
- Impact on the character of the area;
- Neighbouring amenity and future occupiers;
- Highway safety and parking;
- Other matters.

Principle of development

23 Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

24 Policy LO1 of the Core Strategy states that new development should be focused within existing settlements. The application site is located within the settlement confines of Hextable, which as outlined in policy LO7 of the Core Strategy is a service village. The Core Strategy outlines how development within service villages "*will only be suitable as locations for*

small scale development, limited to infilling and redevelopment, where the scale and nature of development is consistent with the local village character". An assessment as to whether the development is suitable for the character of the village will be made later in the report. As for the scale and whether it is acceptable in principle, as the development is for the change of use of an existing building the scale is considered acceptable - subject to other local policies including for protecting the character of the area, neighbour amenity and highway safety.

Loss of housing supply

- 25 The proposal is to convert an existing dwelling to a residential institution. Policy H4 of the Allocations and Development Management Plan encourages both the bringing of empty properties back into residential use alongside the retention of existing residential use.
- 26 Policy H4 has not been deemed out of date as it generally accords with the provisions of the NPPF in that it seeks to deliver and maintain a supply of housing. However, its reference to 'loss of housing stock' is not in line with more recent policies and guidance including paragraph 35 of the Planning Practice Guidance for housing supply and delivery, which states:
 - 27 *"Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply"*.
- 28 The proposal changes the type of accommodation the building provides but it still falls under the bracket of residential accommodation and would not alter the Council's Housing Land Supply. Similarly, the Council's latest Housing Strategy (2022-2027) outlines that there is a need to *"to understand the current and future housing needs of older people and other vulnerable groups that require housing with care, including a range of specialist housing types"*.
- 29 Furthermore, the proposal has benefits that outweigh the loss of the dwelling. For example, the assessment/support for the young parent(s) will allow them to live independently in their own home following the assessment. The benefits to the welfare of the parent(s) and children should be afforded significant weight.
- 30 In principle, the proposal accords with policy LO1 and LO7 of the Core Strategy and policy H4 of the Allocations and Development Management Plan and would be acceptable development.

Impact on the character of the area

- 31 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 32 It is proposed to convert the existing dwelling, known as the Lodge, into a family assessment centre. The proposed change of use does not propose any external alterations and therefore the development would not alter the visual character of the area. No changes are proposed to the boundaries or parking area and no advertisement is proposed. No internal alterations are proposed either at this stage, however any future internal alterations would not require planning permission.
- 33 In light of the above the proposed development would comply with policy EN1 of the Allocations and Development Management Plan.

Neighbouring Amenity & Future Occupiers

- 34 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development and for neighbouring occupiers.
- 35 Amenity in terms of some of the matters raised in representations will be reviewed later in the report. Amenity for the proposed occupiers appears sufficient, additional information provided by the applicant/agent outlines how there will only be up to 5 families at any one time. The duration of stay depends on the programme for each family, however on average a family would stay for 13-16 weeks. The length of time, in conjunction with the size of the building would ensure the occupiers would have sufficient amenity for their duration. In terms of noise amenity for the occupiers, the application site is located by the junction, however, the building has been deemed acceptable for residential use when converted from business use in 2010. Consequently, the proposed use which is a different form of residential, in this case residential institution, would equally be acceptable in terms of noise amenity for the proposed occupiers.
- 36 In terms of amenity for neighbouring residents, the proposed change of use from a dwelling to Use Class C2 will not result in a notable increase in noise

disturbance, particularly compared to other uses such as Class E. There would be an increase in movements to and from the site from the rotating staff; however this activity will not be of a scale to result in disturbance to neighbouring residents. Lastly, the development would not alter the existing relationship to neighbouring properties in terms of privacy and overlooking.

- 37 Other matters raised in representations received, including the proposed users of the site, will be addressed later in the report. Otherwise the proposed change of use complies with the criteria of policy EN2 of the Allocations and Development Management Plan.

Highway safety and parking

- 38 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 39 The application site benefits from an existing access. Consequently, no new vehicular/pedestrian conflicts are being introduced and the development would not result in a loss of highway safety in this regard. Numerous concerns have been raised regarding the increase volume of traffic to and from the site due to the proximity of the access to two mini-roundabouts in addition to references made to site being near to a primary school resulting in a high volume of children walking past the site.
- 40 Kent County Council Highways have reviewed all available crash data for the local vicinity alongside vehicle trip generation from the proposed use and considered there would not be a severe impact to highway safety for all users. Paragraph 111 of the NPPF states *that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 41 In terms of parking, the application site benefits from a moderate area of hardstanding to the front to which the planning statement confirms is large enough for 4 vehicles. A total of 7 staff will work at the site on a rota basis with no more than 4 at any one time. KCC Highways have confirmed the level of parking provision is sufficient. The proposed occupiers will unlikely have a car and will not be coming and going from the site often. Subsequently, both the demand for parking and the aforementioned increase in traffic will be low. It is also noted that there is a bus stop close to the site, and whilst as highlighted in representations received it does not run after 6pm, offers the use of alternative modes of transport for staff and visitors.

- 42 The proposals therefore comply with policies EN1, T1 and T2 of the Allocations and Development Management Plan.

Other matters

Clarification on proposed use and users

- 43 Numerous concerns regarding the proposed occupiers have been raised, including that they will be ex-gang members, kids/teenagers, young adults etc. Naturally, concern is raised regarding the people to be accommodated as the company's website refers to different groups of people that they provide for across a number of properties, including in some cases the aforementioned groups. This property is solely for new parents with learning difficulties and their new-borns, it will be up to 5 families (usually mother & child) at any one time. Each family will reside for no more than 16 weeks, perhaps even broken into smaller spells in some instances.
- 44 The above use is considered acceptable for the reasons outlined in the rest of the report. However, a condition has been included to secure the use of the building as proposed and as such should the company vacate the premises any other use of the building, even within the C2 use class, will be required to obtain planning permission.

Overnight supervision

- 45 Many comments received outline concerns there will be no supervision, as described in the planning statement. The applicant has since confirmed this will not be the case as staff will be on the premises at all times.

Anti-social behaviour

- 46 The applicant has confirmed that there will be a *“strict no-drug & alcohol policy”* and that the *“standards expected of parents with a disability should be no less and no more than those standards expected of all parents. Each child has the right to a loving, secure family life which recognises and meets their physical, emotional, and psychological needs. For parents who have disabilities, achieving this for their children may need additional assistance, support, and training”*.

Use of existing services and provisions

- 47 The proposed use will not add any undue strain to the existing services such as schools and local GP as the residents will not be permanent. Moreover, the residents will be those with potential learning disabilities, not health disabilities and would not burden existing healthcare services.

Whether the building will become a House of Multiple Occupancy (HMO) or not

- 48 The change of use is from a dwelling to Use Class C2 (residential Institution) not a House of Multiple Occupancy, which is use Class C4. A HMO requires the occupiers to use the site as their main or only residence, in this case the families will likely have their own residences. Moreover, as there is a programme, in this case an assessment of parenting abilities, and an element of care, the site would not constitute a HMO.

De-valuing house prices

- 49 Concerns raised regarding the devaluation of house prices in the area are noted, however this is not a material planning consideration.

Community Infrastructure Levy (CIL)

- 50 The proposed development is not CIL Liable.

Conclusion

- 51 The proposal is considered acceptable in principle, it will not impact the character of the area or neighbour amenity, and it will preserve highway safety. The proposed development therefore accords with policies LO1 and LO7 of the Core Strategy and EN1, EN2, T1 and T2 of the Allocations and Development Management Plan.

- 52 It is therefore recommended that this application is granted.

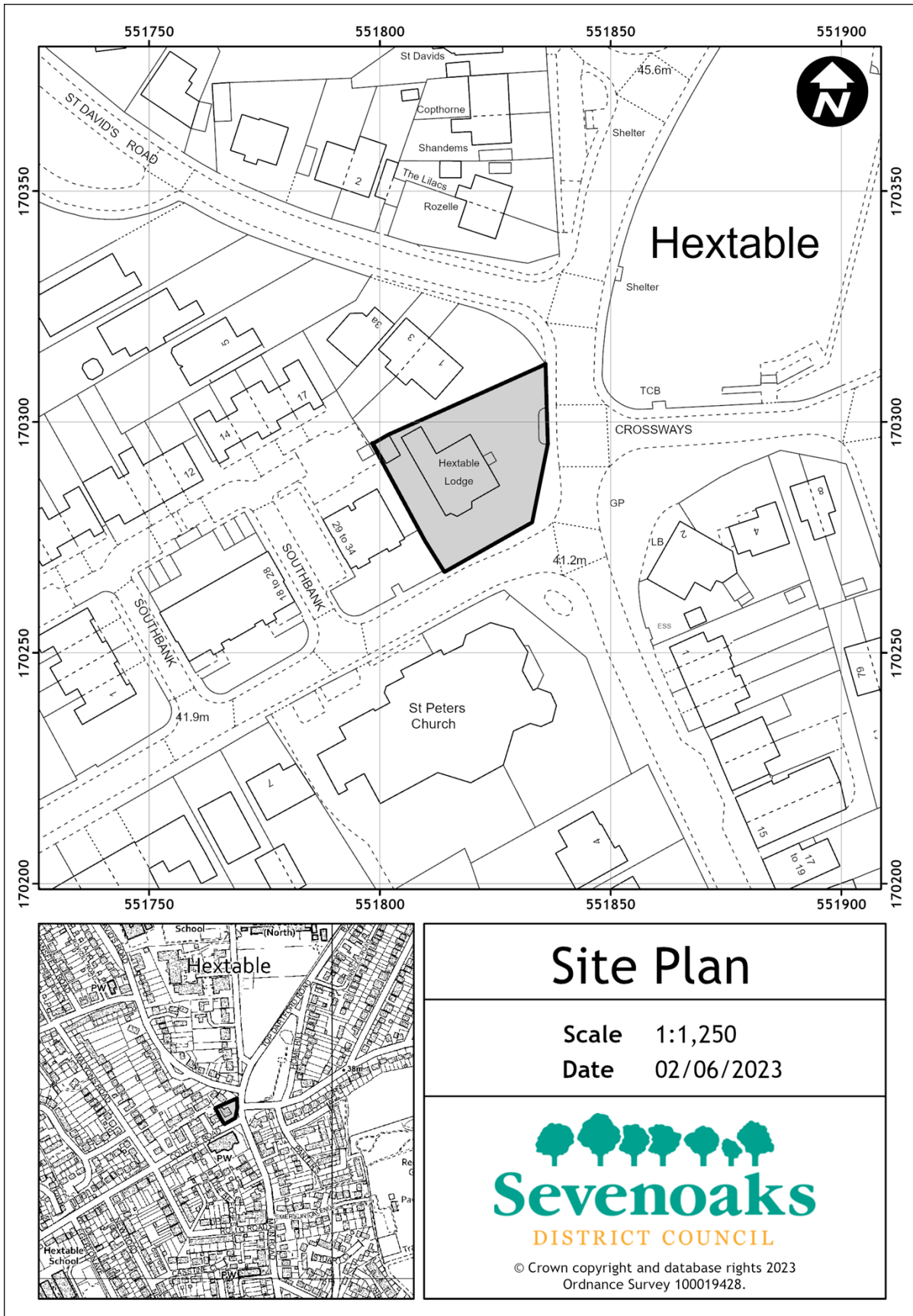
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[Link to application details:](#)

[Link to associated documents:](#)



Location Plan of BR8 7SG



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Scale: 1:1250, paper size: A4



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