

PLANNING COMMITTEE – 12 SEPTEMBER 2019**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/503080/FULL		
APPLICATION PROPOSAL Change of use from Class C3 (dwelling) to C2 (residential care home for elderly people) and conversion of garage to a habitable space.		
ADDRESS 58 Volante Drive Sittingbourne Kent ME10 2JJ		
RECOMMENDATION Grant subject to receipt of an amended drawing showing 2 parking spaces.		
SUMMARY OF REASONS FOR RECOMMENDATION The development would not give rise to any serious amenity concerns.		
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Councillor Winckless.		
WARD Milton Regis	PARISH/TOWN COUNCIL	APPLICANT A Faseha AGENT EvolutionBlue
DECISION DUE DATE 14/08/19	PUBLICITY EXPIRY DATE 16/08/19	

Planning History

None.

1. DESCRIPTION OF SITE

- 1.1 58 Volante Drive is a detached house situated on a modern housing estate within the built up area of Sittingbourne. It is located at the head of a cul-de-sac, with one parking space to the front of the integral garage and a small lawn area to the front. To the northern side is an area of allocated parking/access belonging to neighbouring properties. The driveway for the neighbour to the south runs across the front of the property.
- 1.2 The wider area is characterised by a mix of detached and semi-detached houses, although there is a small terrace of bungalows to the north (with the allocated parking/access). The road here is brick paved, and many of the neighbouring properties have paved over their front gardens to provide off-road parking.

2. PROPOSAL

- 2.1 This application seeks planning permission for change of use of the property from a Class C3 residential dwelling to a Class C2 residential care home. The applicant has

stated that the care home will cater for elderly patients. The application also seeks permission to convert the existing integral garage to a bedroom.

- 2.2 There will be 5 bedrooms within the property: 4 at first floor and 1 within the converted garage. 5 wet rooms will also be provided within the property, as well as a communal lounge and dining area, a kitchen, office space, WC, and storage room.
- 2.3 3 parking spaces are proposed to the front of the property: 1 on the existing driveway to the front of the garage and 2 on the lawn area, which is to be reinforced with “grasscrete” grid to support vehicles without losing the grass.
- 2.4 The existing garage door will be replaced with a window.
- 2.5 No changes are proposed within the rear garden, where the existing lawn and decking will be retained.
- 2.6 There will be 2.5 FTE staff working at the site.

3. SUMMARY INFORMATION

	Proposed
Parking Spaces	3
No. of Residential Units	1
No. of Bedrooms	5

4. PLANNING CONSTRAINTS

- 4.1 None.

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF), at paragraph 61, recognises the need to provide many different types of housing and accommodation for varying different groups, including the elderly and those with disabilities. Paragraph 91 a) promotes social interaction between groups who may otherwise not come into contact, by way of mixed-use developments (amongst others). Para. 92 continues to state that development to provide social and community facilities should be supported in principle. All of the above is, however, subject to there being no serious amenity impacts arising from such proposals.
- 5.2 Policies ST1 (sustainable development), CP3 (wide choice of homes), CP5 (health and wellbeing), DM7 (vehicle parking), and DM14 (general criteria) of the adopted Swale Borough Local Plan 2017 are relevant.
- 5.3 Policy CP5, in particular, echoes paras. 91 a) and 92 of the NPPF, as above.

6. LOCAL REPRESENTATIONS

- 6.1 11 letters of objection (from 9 addresses) have been received raising the following summarised issues:
 - Work being carried out within the property ahead of any consent being granted [NB: internal works do not require permission, and no works had been carried out to the garage at the time officers visited the site];

- Appreciate that such accommodation is in demand, but this is the wrong location for it;
- Local parking pressure will be exacerbated;
- Inadequate parking at the site;
- Inconsiderate parking blocking access [NB: in general, not from the application property];
- There is a school nearby and emergency vehicles would have trouble accessing the site at peak school run times;
- The property has been empty for three years, and not in use as accommodation for adults with learning difficulties as set out in the application form;
- Noise and general disturbance from vehicles and visitors to the site;
- Potential for 24hr activity from shift changes, ambulances, etc.;
- Loss of view from the front (lounge) window at no. 60 (adjacent) due to vehicles parked on frontage;
- Impact on local property prices;
- Where would bins be stored; and
- Potential for anti-social behaviour from residents of the property.

6.2 2 additional letters (from addresses who had already commented) were received in response to a round of re-consultation following clarification of the description of development. They repeat issues already noted above.

7. CONSULTATIONS

7.1 None.

7.2 KCC Highways would not normally comment on an application of this scale, but I have informally discussed the proposals with their officers, who noted that the parking provision is in accordance with the requirements of the adopted Kent Vehicle Parking Standards, and that there is unrestricted (apart from waiting restrictions during school drop-off/pick-up hours at a nearby access to a local primary school) on-road parking throughout the wider housing estate.

8. BACKGROUND PAPERS AND PLANS

8.1 The application is accompanied by existing and proposed floor plans and elevations.

9. APPRAISAL

Principle of development

9.1 The application site sits in a sustainable location within the defined built up area boundary, and the above local and national policies support the provision of social and community facilities (which a care home, elderly or otherwise, would comprise). Furthermore, in terms of space available, the building appears to be capable of supporting five residents and 2.5FTE staff. In these regards the principle of development is acceptable subject to consideration of amenity impacts, as set out below.

Highways

- 9.2 Highways and parking impact appears to be the main issue from the letters that have been submitted, and I can appreciate local concern on the matter. However, the development would provide three parking spaces, which is in accordance with the requirements of the adopted Kent Vehicle Parking Standards (1 ambulance space, 1 staff space, and 1 space per 6 bedrooms).
- 9.3 The parking spaces are tightly packed onto the frontage of the property, but from visiting the area I note that this would not be an uncommon arrangement on the estate; many nearby properties have paved over their front gardens to provide off-road parking spaces. However, such an arrangement would be to the detriment of the character of the area in my opinion, and may not be workable in reality due to the double-stacking of vehicles. I therefore consider that one parking space should be removed from the plans to allow retention of an area of soft landscaping to the front of the property. It is likely that ambulance visits to the property will be infrequent, and therefore removing a dedicated ambulance space is acceptable – an ambulance parking on the street for a short period and infrequently would not give rise to serious highway safety or amenity issues. I have requested an amended drawing accordingly.
- 9.4 Whilst I appreciate that there is local parking pressure I do note that there are no on-road parking restrictions (other than the peak time waiting restrictions by the primary school access on the next street) and staff / visitors could freely park anywhere on the surrounding streets. Potential obstruction of resident's driveways / access is not a planning concern, but considerate parking (which could be enforced by the police if necessary) would limit this.
- 9.5 The loss of the existing garage space is acceptable in my opinion. When visiting the property I noted that the existing integral garage was undersized by current standards. The Council often approves applications for garage conversions where it is not reasonably possible to park a modern-sized vehicle within.
- 9.6 Therefore, whilst I do appreciate and understand local objection, I do not consider that there are grounds under the planning regulations to refuse the application on highways or parking.

Local amenity

- 9.7 The use of the property as a residential care home should not, in itself, give rise to any more noise and disturbance than "normal" residential use, as it would still comprise people using the premises as their home. I note concern regarding potential anti-social behaviour from occupants, but this could be true of *any* property and it is not for the planning system to make judgements on the behaviour of either applicants or end-users.
- 9.8 There would be some noise and disturbance generated by vehicles and visitors to the property, but this should not be any greater than the disturbance from, for example, typical houseguests or delivery vehicles.
- 9.9 The loss of views from existing windows is not a material planning consideration – one does not have the right to views across a third party's land. In any case it should be noted that the front garden area could potentially be paved over and used for parking under permitted development rights, as has happened at neighbouring properties.

- 9.10 The property itself would provide a good standard of amenity for residents, in my opinion. Bedrooms would of an acceptable size, and there is communal living space and an adequately sized rear garden.
- 9.11 I do not consider that the proposed use of the property would give rise to any additional overlooking, loss of privacy, or similar amenity concerns for the neighbours over typical residential use of the building.
- 9.12 As set out at 9.3: I have requested an amended drawing to reduce the frontage parking provision to 2 spaces. This would provide for employee and visitor parking in accordance with adopted requirements, and an ambulance could park on the highway as and when required (much as it would do to visit any other property on the estate). This allows for retention of an area of soft landscaping to the front of the property which would enhance the street scene.

Other matters

- 9.13 The carrying out of internal works on an unlisted building does not require planning permission. Conversion of the garage requires planning permission, but when I visited the property no works had been carried out on the garage and the applicant advised he was waiting for the application to be determined before doing so.
- 9.14 Impact on property prices is not a material planning consideration.
- 9.15 Wheelie bins for the property could be stored in the rear garden, or possibly on the side access indicated on the submitted block plan.

10. CONCLUSION

- 10.1 The application proposes change of use, conversion of a garage to a bedroom, and associated works to convert a detached house into a 5-bed Class C2 residential care home (likely for elderly people). I note local objections, particularly in respect of parking and highways matters, but do not consider that they amount to a justifiable reason for refusal.
- 10.2 Taking the above into account, and subject to the receipt of an amended drawing showing 2 parking spaces and frontage landscaping, I recommend that planning permission should be granted.

11. RECOMMENDATION

GRANT Subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- 2) No development shall take place other than in accordance with drawing VIB/GC/V1.

Reason: For the avoidance of doubt.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- 4) The parking spaces shown on the approved drawing, received 02.09.2019, shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking of vehicles is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 5) The premises shall be used for the purpose of a residential care home and for no other purpose whatsoever, including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and any other use whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not.

Reason: In the interests of the amenities of the area.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

