

<b>2.7 REFERENCE NO - 24/500940/FULL</b>		
<b>PROPOSAL</b> Change of use of existing premises from a dwelling (Class C3) to a residential care home (Class C2) for children with behavioural/learning difficulties.		
<b>SITE LOCATION</b> 4 Moonfleet Close Sittingbourne Kent ME10 2BD		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Minor		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application has been referred to committee by Cllrs Wise and Carnell		
<b>Case Officer</b> Graham Parkinson		
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b>  N/A	<b>APPLICANT</b> Diversity Children Homes  <b>AGENT</b> Ken Judge & Associates Ltd
<b>DATE REGISTERED</b> 06/03/24	<b>TARGET DATE</b> 01/05/24	
<b>BACKGROUND PAPERS AND INFORMATION:</b>  Documents referenced in report are as follows: - All drawings submitted All representations received  Design and Access Statement dated 28/02/24 (uploaded 01/03/24) Additional Supporting Information dated 26/04/24 (uploaded 26/04/24)  The full suite of documents submitted pursuant to the above application are available via the link below: -  <a href="#">24/500940/FULL   Change of use of existing premises from a dwelling (Class C3) to a residential care home (Class C2) for children with behavioural/learning difficulties.   4 Moonfleet Close Sittingbourne Kent ME10 2BD (midkent.gov.uk)</a>		

## 1 SITE LOCATION AND DESCRIPTION

- 1.1 The application site is occupied by a detached 4 bedroom house with integral double garage with parking in front located on the north side of Moonfleet Close. Moonfleet Close comprises a cul-de-sac of detached houses located within a residential area falling within the built confines of Sittingbourne.

## 2 PLANNING HISTORY

2.1 None

## 3 PROPOSED DEVELOPMENT

3.1 It is intended to change the use of the property from a single family dwelling to one providing residential accommodation and care for people in need, in this case children with behavioural or learning difficulties. No changes to the layout or appearance of the house or site are involved.

3.2 The details of the use are set out below:

- It will be an Ofsted registered home.
- Will be a maximum 3 children on site at any time with ages ranging from 3-18.
- Use is wholly residential and is intended to provide a normal home environment including the children attending school.
- Normal staff rota would be 0700-1500 hrs and 1400 – 2300 hrs.
- Anticipated children's bedtime will be 2300- 0700 hrs with shift leaders on site for full 24 hr period.
- Minimum of 1 staff member will always be available on site but generally there would be two.
- At night one staff member will sleep in the fourth bedroom with the other providing cover in the study.
- All children will be registered at local schools and travel to them by car.
- There will be no on-site teaching and no use of amplified devices for voices or music.
- Only a social worker will attend the site.
- The children will be strongly supervised and supported by the on-site care team.
- A Matching process involves multiple meetings and visits to the individual to ensure home is right for them. Ofsted oversees this matching process to ensure it has been completed correctly.
- Not looking for young persons with anti-social behaviour or with past involvement in crime, but more looking to cater for children with additional needs such as ASD, ADHD, downs syndrome and learning disabilities.

## 4 CONSULTATION

4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers and a site notice was displayed at the application site. Full details of representations are available online.

4.2 16 letters of representation were received in relation to the consultation, all of which object to the application. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Will bring increased risk of anti-social behaviour and crime while placing other children in cul de sac at risk.	See paragraphs 7.14 -7.17 (inc)
Property not secure and therefore inappropriate for this type of use.	See paragraph 7.14 -7.17 (inc)
Likely use will result in visits from other welfare agencies resulting in increased traffic in a tight cul-de-sac.	See paragraph 7.14 – 7.17 (inc)
Result in a harmful change to the character of the area and overly intense use of the site.	See paragraphs 7.10 -7.13 (inc)
While houses in cul de-sac have integral garages with parking in front garages too small for modern cars. Net result is that parking takes place in cul-de-sac resulting in parking conflict and competition for parking spaces.	See paragraphs 7.18-7.22 (inc)
Proposed use will generate much greater waste requiring further waste vehicle movements in a tight cul-de-sac.	See paragraph 7.23
Will result in noise and disturbance over a 24 hr period with staff/ambulance and police visits.	See paragraph 7.10-7.17 (inc)
Will result in loss of privacy and loss of security while it is widely recognised that such uses are disruptive to a neighbourhood and a community.	See paragraphs 7.10-7.17 (inc)
Will result in loss of a family housing unit at a time when such units are in great demand.	See paragraph 7.7

## 5 REPRESENTATIONS

- 5.1 **Mid Kent Environmental Health:** - Advise that to address noise and disturbance the maximum number of children in care should be restricted to 3 and that a noise management plan should be secured.
- 5.2 **KCC Highways:** - Have responded stating that this development proposal does not meet the criteria to warrant involvement from the Highway Authority

## 6 DEVELOPMENT PLAN POLICIES

### 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

**CP3** Delivering a wide choice of homes

**CP5** Health and Wellbeing

**DM7** Vehicle Parking

**DM14** General development criteria**6.2 Supplementary Planning Guidance/Documents**

Swale Parking standards

**7 ASSESSMENT**

- 7.1 This application is reported to the Committee at the request of Cllrs Wise and Carnell. The main considerations involved in the assessment of the application are the principle of the development, impact upon living conditions and transport / highways matters.

**Principle**

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.4 Paragraph 96 of the NPPF states, amongst other things, that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other.
- 7.5 Policy CP3 of the Local Plan seeks to make provision for a range of housing to meet different needs. Policy CP5 states amongst other things that the Council, working in conjunction with relevant organisations, communities and developers, will promote, protect and work to improve the health of Swale's population, and reduce health inequalities by bringing forward accessible new community services and facilities and create social interaction and safe environments through mixed uses in the design and layout of development.
- 7.6 The application site is occupied by a detached house embedded within a tightly knit residential cul de sac comprising detached houses.
- 7.7 The proposal would remain in residential use as a care home for children, supported by a team of carers working in shifts. The children will go to school with the intention to live an otherwise normal family life as much as their circumstances permit. As such in seeking to provide a range of housing to meet differing needs and circumstances, and to promote wellbeing and social interaction by bringing forward accessible new community services and facilities the proposal can be seen to comply with the NPPF and policies CP3 and CP5 of the Local Plan. Whilst the proposal would lead to the loss of a conventional dwelling house, it will continue to provide a residential use for a particular type of accommodation.

- 7.8 The provision of a residential care home within a predominantly residential environment is therefore considered to be acceptable in principle.

### **Living Conditions**

- 7.9 Policy DM14 of the Local Plan states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 7.10 The property is a detached 4 bed dwelling and no external changes are proposed. The main perception of the use will be through activity taking place within the house or garden and people coming and going to the house. The intention is to use the house as a home for a maximum of 3 children. However established caselaw sets out that children cannot form a household by themselves, hence the reason why this application is for a change of use to a care home. Given the small number of children who will reside at the property and the levels of supervision, there is no reason to suspect the use will result in noise or disturbance significantly different than that normally associated with the occupation of a house of this size and in this location by a large family.
- 7.11 Concerns relating to noise and disturbance due to staff changeovers taking place in the early hours are noted. One member of staff will come off shift to be replaced by another member of staff. Given the limited number of staff employed to look after 3 children, the vehicle movements involved would be unlikely to be significantly different to the movements expected by a large family who could otherwise occupy the property in its current form as a dwelling.
- 7.12 Mid Kent Environmental Health recommend that a noise management plan is secured by way of a condition. However given the limited number of children that would reside in the property, the staffing provided, the nature of the property as a detached premises as well as regulation of the property by other agencies such as Ofsted, it is not considered that noise management measures are necessary. In any case, it is unclear how such a plan could be enforceable under the Planning Acts or meet the tests for planning conditions.
- 7.13 Given the above, it is not considered the proposal will result in a material loss of privacy, outlook or result in excessive noise or disturbance to houses overlooking or abutting the site. As a result, the scheme is in accordance with the provisions of policy DM14 of the Local Plan.
- 7.14 A number of objectors have raised concerns regarding safety and safeguarding. Fear of anti-social behaviour can be a material consideration in the determination of a planning application. As such likely risks must first be identified and mitigation measures examined to assess whether the children in care and adjoining residents can live together without conflict.

- 7.15 The applicants advise that only 3 children will be at the house at any one time where they will be supervised by staff throughout. The applicants also advise that matching young people to the home requires them to go through a selection process to ensure the young person does not exhibit anti-social tendencies. The screening process involves multiple meetings and visits to the individuals to ensure matching is correct while the matching process is overseen by Ofsted. Furthermore, the property will be required to be registered / regulated by Ofsted and subject to inspections.
- 7.16 The applicants also advise they are not looking to cater for young people with anti-social behaviour or past criminal involvement but to cater for children with additional needs such as ASD, ADHD, downs syndrome and learning disabilities.
- 7.17 Given the limited number of children that would reside in the property, that there will always be staff present, and that the property is regulated by Ofsted, it is considered the objectors fears, though acknowledged, are insufficient to justify refusing the proposal.

### **Highways**

- 7.18 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*

- 7.19 The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 7.20 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.21 As generally no more than 2 staff and 3 children living together as a family will be present in the house at any one time, traffic generation and the requirement for car parking is unlikely to differ from that associated with use as a single-family dwelling. Although there would be an overlap during shift changes, this would be limited.
- 7.22 As such it is not anticipated, in the normal course of events, that the proposed use of the house will appear notably different in traffic generation or parking terms to any other house in Moonfleet Close.

### **Other matters**

- 7.23 Concerns relating to waste generation requiring further waste vehicle movements in a tight cul-de-sac are noted. However given the assessment carried out above, it is concluded that waste generated would be likely to be no more than that normally associated with a detached 4 bedroom house in family use. Given the limited number of children resident, any clinical waste produced is unlikely to be significant or require an unacceptable number of collections.

## 8 CONCLUSION

- 8.1 The proposed use will help provide a range of housing to meet different needs, and would have social and wellbeing benefits for occupants in providing a home for them. The use of the property in a residential area for a small residential care home is considered appropriate in land-use terms.
- 8.2 While the fear of crime and anti-social behaviour can be material planning considerations, given the small number of children involved, screening process, staffing levels and regulation by Ofsted such fears, though acknowledged, are considered insufficient to sustain an objection to the development.
- 8.3 It is not anticipated that in the normal course of events noise or disturbance, traffic generation or parking associated with the use will be notably different from other houses in Moonfleet Close. As such, the development is considered to be compliant with the adopted Local Plan.
- 8.4 As such it is recommended that planning permission is granted.

## 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. The development hereby approved shall be carried out strictly in accordance with the details shown on drawing no: 2735/1rev A.

Reasons: To ensure the development is carried out in accordance with the approved plans in the interests of amenity.

3. The number of children in care residing at the property at any one time shall not exceed 3.

Reason: To retain control over the use in the interests of amenity.

4. Upon first occupation of the development hereby permitted, the area shown on the submitted plan as car parking space shall be kept available for such use at all times 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 so shown or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

## The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 2023 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.

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

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.



