

2.6 REFERENCE NO 23/504808/FULL		
PROPOSAL Change of Use from a Residential to a C2 Residential Accommodation Use.		
SITE LOCATION 20 Leigh Road Sittingbourne Kent ME10 3FF		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Change of Use		
REASON FOR REFERRAL TO COMMITTEE Councillor Hall has referred the item to Committee		
CASE OFFICER Guy Martin		
WARD Murston	PARISH/TOWN COUNCIL Not applicable	APPLICANT Mr Ifeanyi Emmanuel Nduka AGENT None
DATE REGISTERED 24.11.23	TARGET DATE 05.04.24	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Change of Use Statement (uploaded 09.11.23) Change of Use Statement (uploaded 01.02.24) Planning Statement (uploaded 14.03.24) All drawings submitted: Block Plan (uploaded 14.11.23) Site Location Plan (uploaded 23.10.23) Existing Floor Plan (uploaded 24.11.23) Proposed Floor Plan (uploaded 24.11.23) The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2YZPLTYKC700		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is an end of terrace, three bedroom, three storey dwelling located on the Great Easthall housing estate, within the built confines of Sittingbourne. The property has a rear garden and a garage situated within a parking court to the rear of the site. The surrounding area is characterised by residential properties.

2. PLANNING HISTORY

2.1 None relevant.

3. PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for a change of use from a Residential to a C2 Residential Accommodation Use. No changes to the layout or appearance of the house or site are involved. The details of the proposed use as set out in the supporting information is as follows:

- The property will be regulated by the Care Quality Commission.
- The facility will be used for treatment (i.e. detoxification) for alcohol misuse, and not for persons with other drug related issues.
- Persons entering the property are required to have been sober for at least 5 days.
- Persons ordinarily stay at the facility on average for 7 days, the first 3 of these days are confined to the property, after which activities such as physiotherapy and counselling are provided.
- Persons are not able to leave the property unaccompanied.
- The occupants of the property would comprise of 3 clients, along with 2 members of staff during the daytime and 1 member of staff overnight.
- Persons staying at the facility for treatment are not allowed to drive to the premises and are brought there via taxi, driven by a relative or transport is arranged by the provider.
- No persons with a history of abusive behaviour are accepted.

4. CONSULTATION

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

4.2 During the first round of consultations 41 letters of representation were received from 35 separate address, all objecting to the application. Concerns/comments were raised in relation to the following matters:-

Comment	Report reference (refer to paragraph no.)
Devaluation of property and increase in house and car insurance costs.	7.24
The proposal would give rise to security / safety risks for existing neighbouring residents.	7.14, 7.15, 7.16
This is an inappropriate location for a facility such as this.	7.6-7.8
Loss of privacy.	7.18
Adverse impact from noise and smells.	7.17
Increase in anti-social behaviour / crime and threat to children.	7.14-7.16
Increased feelings of vulnerability for local residents.	7.16
That the property will not be a secure premises.	7.14-7.16

That existing parking problems will be exacerbated and that emergency vehicles would have problems accessing the estate.	7.23
That criminal activities have already occurred at the site when it was used as an Air BnB.	7.24
That the site will be unmanned and unregulated.	7.14-7.15
Increase in traffic from the proposal.	7.23
That incorrect information was provided regarding the applicants home address and that the site is not visible from a public road.	7.24
Risk to local residents from medical waste and drug paraphernalia.	7.24
Adverse impact of the proposal upon local businesses.	7.14-7.15
That there is infrequent public transport in the area and no facilities such as shops in the vicinity.	7.6, 7.15, 7.23

4.3 During the second round of consultations 4 letters of representation objecting to the application were received from a further 4 separate addresses. The concerns raised are covered by the points raised in the table above.

4.4 During the third round of consultation 9 letters of representation objecting to the application were received. 8 of these representations were from addresses who had previously commented. The following additional concerns/ comments that are not already set out above were raised in relation to the following matters:

Comment	Report reference (refer to paragraph no.)
That there is no adequate management or security plan in place.	7.14
Unanswered questions around the vetting process for occupants of the property, whether staff will be medically trained and allowed to administer treatment and whether discussions with the CQC have taken place.	7.14

5. REPRESENTATIONS

5.1 **Kent Police** – The proposal falls outside of the scope which the Kent Police would comment however they recommend that extra security measures would be required for those within the property and living nearby to include boundary treatment, CCTV, entrance and parking lighting and external doors and windows.

5.2 **Mid Kent Environmental Health** – Raise no objection.

6.0 DEVELOPMENT PLAN POLICIES

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

ST1 Delivering sustainable development in Swale

ST3 The Sittingbourne Area Strategy

CP3 Delivering a wide choice of high-quality homes

CP5 Health and wellbeing
CP6 Community facilities and services to meet local needs
DM7 Vehicle Parking
DM14 General Development Criteria

6.2 Supplementary Planning Documents

Swale Borough Council Parking Standards 2020

7.0 ASSESSMENT

7.1 This application has been referred to the Committee by Councillor Hall. Considering the comments received and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

The Principle of Development
Character and Appearance
Living conditions
Transport and Highways

Principle of Development

- 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 ST1 of the Local Plan supports sustainable development on both identified and suitable sites within the Borough. Policy ST3 states that the urban centres will provide the primary focus for growth and Policy CP3 seeks to make provision for a variety of house types and sizes to be provided to meet varying needs and criteria (6) states that development proposals should, *'Meet the housing requirements of specific groups, including families, older persons, or disabled and other vulnerable persons.'* 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 In this case, the development proposal relates to an existing residential dwelling located on a residential development within the built confines of Sittingbourne. Sittingbourne is the focal point for development and the main urban area for growth under the development plan.

- 7.7 The property would remain in residential use as an alcohol rehabilitation facility, supported by staff who would attend the property in shifts. Although the change of use would result in the loss of a conventional dwelling, it would continue to provide a residential use for a particular type of accommodation. As a result it would cater for a specific group identified in criteria (6) of policy CP3 as residential accommodation. The proposal would also assist in improving the health of the population and bringing forward accessible new facilities.
- 7.8 The proposal would provide accommodation for vulnerable members of society and would deliver a form of housing facility to give help to people. It would add to the range of housing requirements and is considered to be compliant with both National and Local policies ST1, ST3, CP3 and CP5 of the Local Plan .

Character and Appearance

- 7.9 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.10 Policy CP4 of the Local Plan requires development proposals to be of high-quality design and to be in keeping with the character of the area.
- 7.11 No alterations are proposed to the dwelling and in consequence the appearance of the property would remain unchanged ensuring that the proposal would not have any harmful impacts upon the character or appearance of the area or the quality of the streetscene.
- 7.12 As such, the impact upon the character and appearance is consistent with the aims of policies CP4 and DM14 of the Local Plan.

Living Conditions

- 7.13 Policy DM14 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. It is clear from the objections that the majority of concerns relate to the impact of the use on existing residents and the fear of anti-social behaviour, safety and crime.
- 7.14 The application includes a supporting statement setting out how the premises would operate. The occupants will comprise of three clients. In addition to this, two staff members will be present during the day and one staff member will stay overnight, ensuring that the premises will be staffed and monitored 24-hours a day providing supervision of the three clients. The property will be regulated by the Care Quality Commission who will consider the safety, security and environment of the property to ensure that it is fit for purpose prior to approving the service as a registered premises for its intended use. The supporting information sets out that the premises will be used to treat alcohol abuse.
- 7.15 The applicant sets out that clients would reside at the premises for approximately 7 days. They are searched before entering the property and will be supervised by a trained

member of staff in the property at all times. Clients are not allowed to leave the house for at least the first 3 days, after which they will not be able to leave the premises unattended. No (illegal) drugs or alcohol are admitted and if this rule is not adhered to then the clients will be removed from the property with immediate effect.

- 7.16 In respect of the concerns received from neighbouring occupiers, fear of anti-social behaviour and the fear of crime can be material considerations in the determination of this application. Appeal decisions have confirmed that the fear of crime can be a material consideration if there is some reasonable, cogent evidential basis linking the proposed use or occupants with criminal activity. Kent Police were consulted on the proposal and do not object in principle to the proposed use although suggested a number of safety measures as set out in the consultation section above. The measures that Kent Police have referred to would however be matters which the CQC would need to consider when assessing the acceptability of the premises for the proposed use. The property already has boundary treatments to an approximate height of those suggested by Kent Police, and residents will be accompanied by members of staff. On this basis it is not considered reasonable to require additional security measures, which do not serve a direct planning purpose. A condition has however been recommended which limits the accommodation to be used by persons who require treatment for alcohol abuse only and to limit occupation to three clients.
- 7.17 The property would be occupied by up to five people (including staff) which would not be likely to generate levels of activity, noise or smells dissimilar to a larger family occupying the premises.
- 7.18 The proposal would result in no external changes to the building which will remain in a residential use so the proposal would not give rise to any harmful impacts upon neighbouring properties daylight or sunlight, privacy, or outlook.
- 7.18 The proposal would therefore not have an unacceptable adverse impact upon the living conditions of neighbouring occupiers and would meet the requirements of policy DM14 of the Local Plan.

Transport and Highways

- 7.19 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.”

- 7.20 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.”

- 7.21 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.
- 7.22 The SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM7 of the Local Plan was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.

- 7.23 The property would comprise of five residents incorporating three clients and two members of staff. The applicant has provided a statement confirming that clients will not be able to drive to the property. Although staff would need to access the property and vehicles would drop clients off, it is not considered that traffic generation or the requirement for car parking would materially differ from the use of the property as a conventional dwelling and as a result is acceptable in this regard.

Other Matters

- 7.24 Although a number of the matters raised by the comments set out above have been addressed in the assessment above, of those that remain they are responded to as follows. Firstly, the impact of a proposal upon property prices and insurance is not a material planning consideration that can be considered in the determination of a planning application. The proposal to change the use would not have any negative impact on the ability of emergency services to be able to gain access and historical incidences of disturbances at the property are not relevant to the proposed use. The applicant has confirmed that facilities will be provided for the disposal of medical waste and the amount of facilities in the local area would be unchanged if the property remained as a conventional dwelling. Comments regarding where the applicant currently lives are not material to the application and finally matters related to the vetting process for occupants and staff would be a matter for the CQC.

8 CONCLUSION

- 8.1 The principle of converting the property to residential accommodation for persons who require treatment for alcohol misuse is considered to be acceptable. Overall, the application is not considered to give rise to unacceptable harm to the living conditions of surrounding occupiers, or to highway safety and convenience and is therefore deemed to be acceptable and in compliance with relevant local policies. It is recommended that planning permission is granted subject to the conditions set out below.

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 permitted shall be carried out in accordance with the following approved drawings: Block Plan, Proposed Floor Plans.

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

- 3) The property shall be used for the purposes of residential accommodation for persons who require treatment for alcohol abuse only and for not for any other purposes whatsoever, including any other use under Class C2 of the Schedule to the Town and Country Planning (Use Class) Order 1987 (as amended) and any other use whether permitted by the Town and Country Planning (General

Permitted Development) (England) Order 2020 (as amended) (or any order revoking or re-enacting that Order) or not.

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

- 4) The occupation of the premises shall be limited to a maximum of three residents at any one time.

Reason: To ensure that an over-intensified use would not occur, in the interests of the amenities of the area.

- 5) 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.

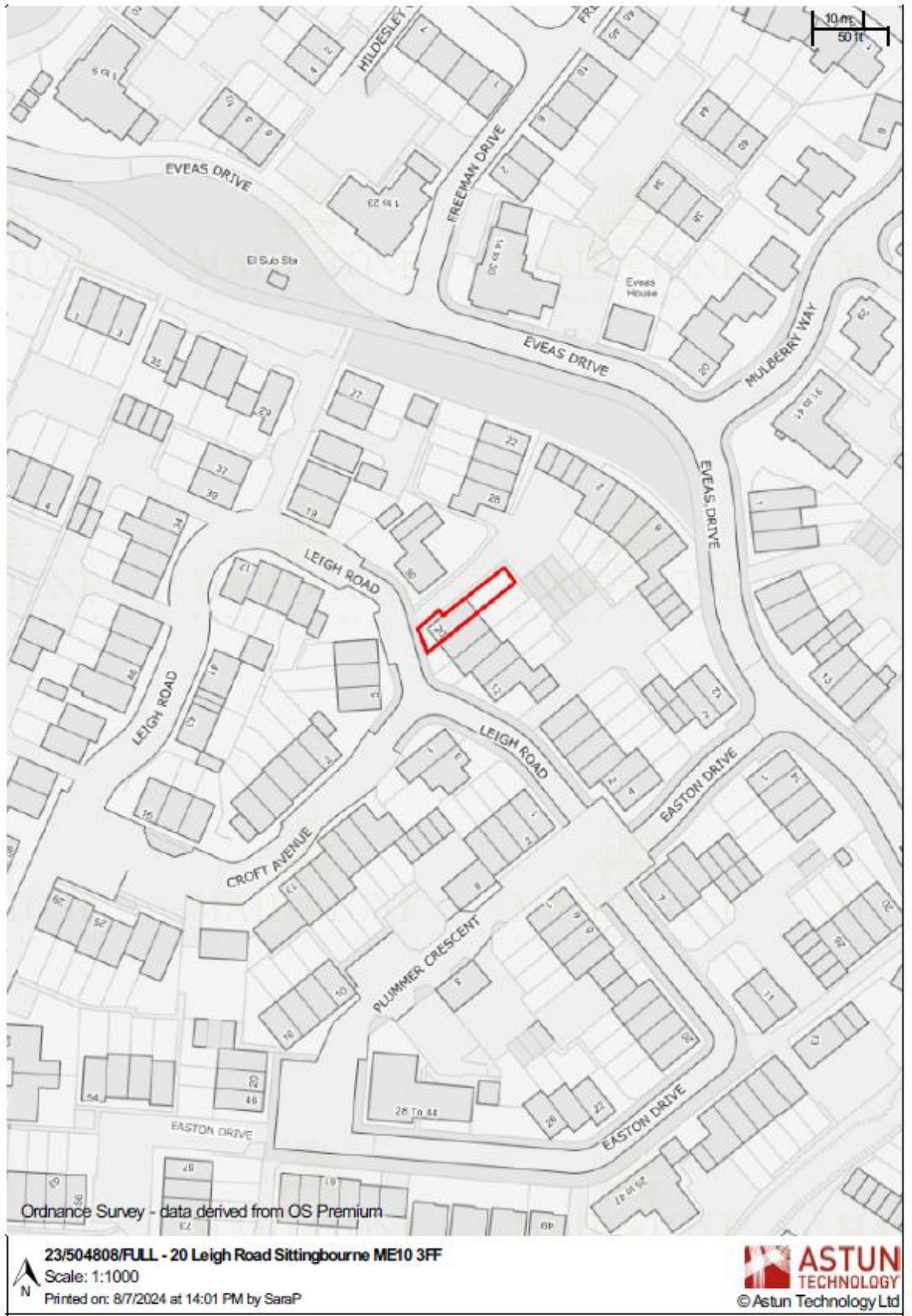
The Council's approach to the application

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.



Ordnance Survey - data derived from OS Premium

23/504808/FULL - 20 Leigh Road Sittingbourne ME10 3FF
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