

Reference:	20/02016/FUL
Application Type:	Full Application
Ward:	West Shoebury
Proposal:	Change of use from dwelling (Class C3) to children's residential care home (Class C2) with associated installation of decking area to rear
Address:	90 Caulfield Road, Shoeburyness, Essex
Applicant:	Syrie Cox
Agent:	Steven Kearney of SKArchitects
Consultation Expiry:	26th January 2020
Expiry Date:	4th February 2021
Case Officer:	Robert Lilburn
Plan Nos:	680 P01, 680 P02
Recommendation:	GRANT PLANNING PERMISSION



1 Site and Surroundings

- 1.1 The application relates to a detached building within a residential area. The building is typically characteristic of a large, detached dwelling, although it is alleged that the property has been in unauthorised use as a house in multiple occupation. While the existing floor plans are not specifically labelled with respect to the uses of individual rooms the applicant has stated that it is a six-bedroom dwelling house.
- 1.2 Address point data and council tax records indicate that there may have been a flat at the property as well as bedsit rooms, however no other evidence has been identified to indicate that the building has been divided into flats.
- 1.3 The building is finished externally in white painted render and red roof tiles with white upvc windows. The frontage is formed in hard standing with a dropped kerb. The rear garden is some 10 metres in length and is thus a degree shorter than is typically found within the immediate environs.
- 1.4 The site is located within a residential area characterised by larger family dwellings. The site is not specifically identified on the policies map of the Development Management Document. It is situated within flood zone 1.

2 The Proposal

- 2.1 The application proposes the use of the building as a residential care home for children (use class C2) and young people aged between 11 and 18. The application identifies that the provision would be for up to five children aged between 11 and 18.
- 2.2 The submitted plans show that 5 bedrooms would be provided at first floor and an additional bedroom would be provided at ground floor, together with an office kitchen and communal area in the middle of the ground floor.
- 2.3 The applicant states that three to four adults would manage the home during daytime hours and at night times two overnight staff would be present. It also states that not all staff would be on site at any one time.
- 2.4 The applicant identifies that three off-street car parking spaces are available at the property. These are not demarcated and are not individually identified on the submitted plan.
- 2.5 The submitted plans also show that as part of the development an area of decking would be installed at the rear of the building. This would measure some 1.5m from the rearmost part of the building and some 7.2m in width. It would be situated on the western end of the building. That would measure some 300mm in height. No other external alterations are proposed as part of the development.
- 2.6 The application is supported by a design and access statement provided by the agent. The statement describes the proposal as a childrens' home to be operated by Southend YMCA. It states that the applicant provides an umbrella of services within the borough for the benefit of vulnerable children and young people.

- 2.7 It states that the applicant identified in 2017 that there were insufficient local places for children who could no longer live at home. The associated isolation of distant relocation has been identified as leading to poor outcomes. The aim of the proposal is therefore encapsulated as seeking to improve vulnerable young peoples' quality of life.
- 2.8 The statement notes that the charity has extensive experience of supporting vulnerable young people and that the proposal has been developed with expert advice. The development would be regulated by and registered with Ofsted. It goes on to note that the provision would be regularly inspected and placements would be closely monitored.
- 2.9 The development would cater for children with emotional and behavioural needs. The applicant states that the search for a suitably sized property in the desired location has been extensive, and has taken some years, with a number of options having previously been considered and discounted.
- 2.10 The applicant identifies that the site location is well-connected with nearby amenities, which would allow for improved opportunities and life chances. The applicant also states that publicly available local data identifies the area as relatively safe, providing a protective factor for occupiers. The applicant expects that the children would attend schools within the borough.

3 Relevant Planning History

- 3.1 13/00645/FUL: Convert dwelling into two self-contained flats, layout parking and refuse store to front. Approved.
- 3.2 A number of earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

Public Consultation

- 4.1 6 neighbouring properties were notified and a site notice was posted. 32 letters of representation objecting to the application have been received from 29 parties at 26 addresses. The objections raised are summarised as follows:

- Impact on character and quality of the residential area;
- Impacts of noise and disturbance from occupiers and from comings and goings;
- Harm to the amenities of neighbours and the amenities of the area;
- Overlooking and loss of privacy;
- Impact on car parking including free flow of traffic and highway safety;
- Waste management concerns;
- Impacts from crime and anti-social behaviour, and fear of crime;
- Impacts on wellbeing of children;
- Impact on quality of nearby school;
- Lack of infrastructure necessary for proposal;
- Dwelling should be used for family housing;
- Impact on property sales and values;
- Concern at how the home would be run operationally;
- The development is against human rights;

- Concerns at consultation and notification processes, including opportunities for objections and for those to be taken into account;
- Lack of transparency in the application and development process;
- Concern that there is a conflict of interest in the application being determined by the Council.

4.2 In addition a letter has been received from a planning consultant on behalf of a group of some 25 residents. The concerns it raises are summarised as follows:

- Loss family housing and impact on community balance;
- Material harm to the amenities of residential occupiers through noise disturbance and loss of privacy;
- Adverse impacts on highway and pedestrian safety;
- Not appropriate to assess proposal on the basis of a former house in multiple occupation use;
- Inappropriate intensification of the use of the building, not commensurate with the character of the surroundings ;
- Acute need for family housing outweighs the need demonstrated in the application for such a use;
- Transient population will harm the community;
- Early and late comings and goings of staff and other agencies would lead to material disturbance to neighbours;
- Lack of detail about proposed future management;
- Proposal does not demonstrate how vehicles would exit and enter the site;
- Inaccuracies and missing information in the application do not allow for a sound decision.

4.3 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. However, they are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.4 **Department for People: Childrens' Services**

The provision would provide local accommodation which is not otherwise available and would partly meet a shortfall. Local demand outweighs supply. The siting within a low crime area is positive for vulnerable children.

4.5 **Environmental health**

No objections.

4.6 **Highways**

No objections

4.7 **Essex Police**

No objection

5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance and National Design Guide (2019)

- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP2 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (Environment & Urban Renaissance); CP6 (Community Infrastructure); and CP8 (Dwelling Provision)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality); DM3 (The Efficient and Effective Use of Land); DM8 (Residential Standards); DM9 (Specialist Residential Accommodation); and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations are the principle of the development, design and impact on the character of the area, impacts on neighbour amenities, highway implications and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

- 7.1 Paragraph 61 of the NPPF notes that housing for different groups should be assessed and reflected in local policies.
- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to promote sustainable development which is consistent with the Council's strategic objectives. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 7.3 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.4 Policy CP8 requires that development proposals contribute to local housing needs. It identifies housing targets for Southend and seeks to protect the supply of valuable residential resources . It states: "*Residential development proposals will be expected to contribute to local housing needs, including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will: ...2. resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas*".

- 7.5 Policy CP6 seeks to ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met. It seeks to provide for health and social care facilities and to support improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies. Policy DM8 sets out residential standards for new dwellings, including convenient useable and effective room layouts. Useable private amenity space should be provided.
- 7.6 Policy DM9 states that development proposals for specialist residential accommodation will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that:
- i. there is a clearly identified need in Southend; and*
 - ii. there is no existing capacity for such facilities within Southend; and*
 - iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services eg health and social care; and*
 - iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and*
 - v. it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.*
- 7.7 As a matter of general principle it is considered that a residential care use may be compatible with a wider residential setting. The surroundings of the site are residential and on that basis the proposal is consistent with the character of its surroundings in principle.
- 7.8 Little evidence is available to establish the precise use of the existing property. However anecdotal evidence together with publicly available council tax and address point records indicate that it has been let at least in part as a house in multiple occupation for an unknown period. It should be noted that under Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, Class C3(c) allows not more than six residents living together as a single household and Class C4 allows the use of a dwelling house by not more than six residents as a house in multiple occupation. Class L of Part 3, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a change of use either way from Class C3 and Class C4 without the need for an express grant of planning permission.
- 7.9 The applicant has described the existing use of the property as a dwelling house. It is considered appropriate that weight should be ascribed to the likely lawful use of the building as a single family dwelling house and also the potential for this to lawfully change to a small house in multiple occupation for up to 6 people without the need for express planning permission from the local planning authority. It is considered that the proposal would accord with the objectives of policy CP8. There would be no loss of residential floorspace from local supply in a general sense and the development would result in a change of use from one type of valuable residential resource (a large family dwelling house) to another type of valuable residential resource (a specialist residential use for which there is an identified need).

- 7.10 The proposal would represent additional children's residential care home provision in the borough. In respect of Policy DM9, the information provided by the applicant and through consultation with the Council's Childrens' Services department confirms that there is any identified need within the borough for this type of use and that there is not sufficient existing capacity for such a use within the borough.
- 7.11 On the basis of the evidence available the proposal would not lead to an overconcentration of similar uses that would be detrimental to the character of the residential area or impact materially on the capacity of public services, given the scale of the provision proposed. Residential amenity issues are discussed in greater detail below, but the proposal is not found to result in any impacts that would justify a refusal of planning permission in this regard. The site is appropriately connected and accessible to public transport amenities and community facilities. It is also found that the scheme would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies.
- 7.12 As a larger dwelling with associated garden space within a residential area, the site is considered capable of providing for suitable living conditions for future occupiers as proposed. The submitted plans show a design, layout and size of accommodation that would be commensurate with a typical dwelling house, providing reasonable daylight, outlook and space conditions, including outdoor amenity space.
- 7.13 It is considered that the proposal would provide a public benefit in the provision of supported accommodation for vulnerable young people for which there is an identified need. This would support strategic objectives including the delivery of social and physical infrastructure related to the health education and well-being of the community and associated outcomes.
- 7.14 The proposed conversion of the dwelling to supported residential care home accommodation for young people is considered to be acceptable in principle and in accordance with the relevant development plan policies. It is appropriate that a condition should be attached to any planning permission restricting the use to the proposed client group and defining the number of residents, as the local need has been identified specific to the proposed client group.
- 7.15 With regard to the external decking proposed external alterations and extensions are acceptable as matter of general principle given that the building is situated within the built up area. Detailed consideration of impacts are discussed further below.

Design and Impact on the Character of the Area

- 7.16 Paragraph 124 of the NPPF states that "*Good design is a key aspect of sustainable development, and creates better places in which to live and work and helps make development acceptable to communities*".
- 7.17 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas and development which responds positively to local context.

- 7.18 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.19 The proposed installation of decking would be of a reasonably modest scale and would not harmfully affect the character and appearance of the dwelling or the wider area as sited. It is considered that the proposed change of use itself would not result in any harm to the character or appearance of the site or wider area that would justify a reasonable basis to refuse planning permission. The proposal is acceptable and policy compliant in design, character and appearance terms.

Impact on Residential Amenity

- 7.20 Paragraph 117 of the NPPF states *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’*.
- 7.21 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.22 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.23 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that *“protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.24 The applicant has stated that a maximum number of 5 children would be cared for at the application site. It is recognised that the proposed use of the site would be likely to result in a different pattern of occupation, activity and of comings and goings, compared to a single dwelling. This would be principally a result of the staffing with up to 4 staff present during daytime hours and up to 2 staff overnight. Given the number of bedrooms and maximum occupancy level, which can be secured through condition, it is considered that there would not be so significant a degree of intensification as to be materially harmful in terms of noise and activity in the context of this site.
- 7.25 The proposed change of use would not result in relationships that are materially different from the prevailing views available from the existing ground and first floor windows. The proposal would not give rise to a different sense of enclosure or any detrimental overbearing, perceived or actual dominant impacts upon neighbouring properties, nor result in a loss of light for neighbouring occupiers.
- 7.26 The proposed decking would correspond to the internal floor level of the building and would meet an existing raised patio at the eastern side of the building. The decking would extend a maximum of 1.5 from the rearmost elevation of the building close to its boundary with no.92 Caulfield Road. It would sit at a position some 1m from the boundary with no.92 Caulfield Road. The close boarded timber fence situated on the boundary between the two properties would be sufficient to prevent a material loss of privacy or unacceptable overlooking arising from the use of the decking.

- 7.27 Sound transmission is addressed by both the building regulations and environmental health legislation. As far as it relates to planning controls it is considered that the potential for any increased noise and disturbance from the proposal is such that would not cause material harm to the amenities of nearby occupiers. This conclusion is reached on the basis and nature of the development as controlled by the conditions recommended.
- 7.28 It is noted that a number of concerns have been expressed about the proposal in respect of it causing an increase crime and anti-social behaviour in the area. Comments have also been made about impacts arising from the transient nature of the occupation of the building as proposed. The police have been consulted on the application and have raised no objections to the proposal. Officers consider that there is no evidence available which would justify a refusal of planning permission on the grounds of impacts arising from the building having a transient population or the use proposed causing an increase in crime and anti-social behaviour in the circumstances of this case.
- 7.29 The proposal is found to be acceptable and policy compliant in respect of its impact on neighbouring occupier amenity and crime and anti-social behaviour.

Traffic and Transportation Issues

- 7.30 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Further to Policy DM15, proposed development is expected to contribute to sustainable transport objectives and promote walking, cycling and public transport as the preferable form of transport. Policy CP3 seeks to support an accessible and safe highway infrastructure.
- 7.31 The minimum parking standard for a dwelling (Use Class C3) is two spaces for a 2+ bedroom dwelling. The parking standard appended to Policy DM15 in respect of residential care homes (Use Class C2) is for a maximum of 1 space per resident staff + 1 space per 3 bed spaces/dwelling units. It is noted that the proposed use would not have any permanent resident staff, although there would be up to two staff members staying overnight and there would up to 4 staff during the daytime.

The site is located close to Shoeburyness High School and the junction with Tudor Gardens. As a result there are localised waiting restrictions nearby. However the street is otherwise not subject to waiting restrictions and is not in general an area of significant existing parking stress.

- 7.32 The applicant has identified that there are three off street parking spaces at the property however these are not specifically identified and in view of the width of the dropped kerb and the frontage providing pedestrian access to the front door it is considered reasonable that two spaces are identified on the site frontage. This is considered acceptable as there is reasonable scope for any modest additional requirements to be provided for by on street parking in the general locality. However, given the nature of the staffing arrangements and the client group of residents (people aged 11-18) it is considered that while the pattern of usage may be different the overall parking demands from the development are likely to be neutral when compared to the existing situation at the site.

The proposal is found to be acceptable on parking, highway safety and transport capacity grounds. Highways Officers have no objection to the proposal.

- 7.33 The application does not provide for secure cycle storage or specify waste management. However, these matters can be reasonably dealt with by condition on any planning permission given the site characteristics. It is considered that the proposal is acceptable and policy-compliant in regard to transport and highways matters.

Community Infrastructure Levy (CIL)

- 7.34 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to the use as a non-profit childrens' home (use class C2).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The scheme would meet an identified need for such accommodation in the Borough and provide a reasonable standard of accommodation for future occupiers.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01. The development hereby permitted shall begin not later than three years from the date of this decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02. The development is hereby permitted in accordance with the following approved plans: 680 P01, 680 P02.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 03. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential care home for up to 5 residents aged between 11 and 18 and up to 4 members of staff. The site shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).**

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 04. Prior to first use of the premises as a residential care home (use class C2), details of secure cycle storage shall have been submitted to and agreed in writing by the Local Planning Authority. The secure cycle storage shall be provided at the site for the use of staff and residents in accordance with the agreed details before the use hereby permitted commences and be retained in perpetuity for the lifetime of the development thereafter.**

Reason: In the interests of accessibility further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 05. Prior to first use of the premises as a residential care home (use class C2), details of refuse storage shall have been submitted to and agreed in writing by the Local Planning Authority. The approved refuse storage arrangements shall be provided at the site for the use of staff and residents in accordance with the agreed details before the use hereby permitted commences and be retained in perpetuity for the lifetime of the development thereafter.**

Reason: In the interests of neighbour and occupier amenities, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015).

- 06. Before the use of the development hereby permitted is commenced not less than 2 car parking spaces shall be provided at the site in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The car parking spaces approved under this condition shall be retained as such in perpetuity thereafter.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

10 Informatives

- 1. You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**