

<b>Reference:</b>	21/01780/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2)	
<b>Address:</b>	23 Pembury Road Westcliff-on-sea Essex SS0 8DU	
<b>Applicant:</b>	Mr J Mitchell	
<b>Agent:</b>	Mr Thomas Sharman of Smart Planning Ltd	
<b>Consultation Expiry:</b>	7th October 2021	
<b>Expiry Date:</b>	3rd December 2021	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	<b>21.7503/M001, 21.7503/M002, 21.7503/E101A 21.7503/E102A, 21.7503/E103A &amp; 21.7503/E104A</b>	
<b>Supporting Documents:</b>	<b>Planning Statement &amp; Heritage Statement</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the western side of Pembury Road and is occupied by a two-storey, semi-detached dwellinghouse. There is a conservatory extension to the side of the rear outrigger and outbuilding within a courtyard rear garden. The roof of the outbuilding is used as a terraced amenity area. The immediate surrounding area of the site is residential in nature. There is a locally listed building at No.20 Pembury Road opposite the site.
- 1.2 The applicant has confirmed that the application site has been providing supported living since 2007. There are currently five individuals with learning disabilities at the property with the main staff provision being two members of staff present during the day and one overnight. There are also 'floating' staff supporting the individuals. Care is given 24 hours a day, 7 days a week.
- 1.3 The site is located within The Leas Conservation Area. No other designations affect the site or the area.

## **2 The Proposal**

- 2.1 The application proposes conversion of the dwelling into a residential care home (Use Class C2) for up to six residents. No external alterations are proposed to the building. There are six bedrooms, and each bedroom would be en-suite. There would be a kitchen and dining area on the ground and communal area located within the existing conservatory. Two television rooms would be provided at first floor level. There would be off-street car parking for up to three vehicles. No changes to parking and access arrangements are proposed. The applicant has confirmed that the proposed use as a children's care home use has not commenced.
- 2.2 The proposed facility would cater for children within the ages of 12 to 18 years old. The applicant states there would be between 2 and 5 members of staff on site at any given time with a minimum two members of staff required 24 hours a day seven days a week. The applicant states that the service to be provided at the property would be flexible and responds to demand/children's requirements. There would be between 7 and 10 carers looking after the children throughout the week on rotational day and night shift patterns.
- 2.3 The application has been called into Development Control Committee by Councillor Folkard.

## **3 Relevant Planning History**

- 3.1 21/00343/PA3COU, Change of use of building (Class C3) to form children's residential care home (Class C2) with associated works (Prior Approval), prior approval required and refused for the following reason:

*01 The proposed change of use, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended), constitutes development requiring planning permission. The proposed change of use is not for any of the Use Classes described in Class T or any other Class of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

3.2 91/1055 Use house in multiple occupation as short stay care home for the mentally handicapped Granted

3.3 90/1287 Use former dwellinghouse as house in multiple occupation Granted

3.4 21/01781/FUL - Change of Use of Dwellinghouse (Use Class C3) to form Children's Residential Care Home (Use Class C2) 9 Crowstone Road, Westcliff-on-sea, Essex – current application under consideration

## **4 Representation Summary**

### **4.1 Public Consultation**

24 neighbouring properties were notified, and a site notice was displayed, and notice placed in the local press. 10 letters of representation have been received including 4 from the same address. They are summarised below:

- There is any existing Anti-social behaviour problem locally and this could impact on future occupant of home and exacerbate problems
- Residential amenity concerns from increased noise over and above existing situation
- The site is within a residential area and unsuitable
- Concerns over intensity of use and changes to layout – site is too small to accommodate numbers proposed
- Insufficient outdoor space exacerbated by the rear outbuilding
- Proposal will require staff to live or work on site and insufficient parking.
- Previous prior approval application was refused

[Officer Comment: These concerns are noted, and they have been taken into account in the assessment of the application. The points of objection have been found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

4.2 **Fire Service**  
No objection.

4.3 **Children's Services**  
The contemporaneous application 21/01781/FUL is noted. The comments account for both proposals. There remains unmet need in the Borough for children's homes for Southend children. Public services are not expected to be harmfully affected.

4.4 **Environmental Health**  
No objection

4.5 **Design**  
No objection. Impact on Conservation Area would be neutral. There is scope to improve the forecourt, front landscaping, front windows and door but this does not form part of the proposal

## **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021)

- 5.2 Planning Practice Guidance and National Design Guide (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend Historic Environment) DM8 (Residential Standards), DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)
- 5.6 The Leas Conservation Area Character Appraisal (2010)

## **6 Planning Considerations**

- 6.1 The main planning considerations in this case are the principle of development, living conditions for future occupiers, car parking arrangements/transport considerations, design quality and impact on surrounding area (including the impact on the conservation area, impact on the amenities of neighbouring occupiers and CIL (Community Infrastructure Levy).

## **7 Appraisal**

### **Principle of Development**

- 7.1 Southend Borough Council's development plan does not currently contain policies that specifically relate to Houses in Multiple Occupation. Paragraph 11 of the National Planning Policy Framework 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, granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, 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.'
- 7.2 Paragraph 119 of the National Planning Policy Framework 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.'
- 7.3 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.

- 7.4 Policy DM1 of the Development Management Document 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. Policy DM8 provides for additional dwellings in the Borough but seeks to resist the loss of existing valuable residential resources.
- 7.5 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 including the stock of large single-family dwellings. 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”*.
- 7.6 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.
- 7.7 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 e.g., 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.
- 7.8 As a matter of general principle, a residential care use may be compatible with a wider residential setting. The surroundings are residential and on that basis the proposal is consistent with the character of its surroundings in principle.
- 7.9 The development would lead to the loss of a larger single-family dwelling. In the circumstances of the case this is acceptable, as the development would provide living accommodation addressing a specifically identified and confirmed local need and would not lead to the net loss of residential accommodation within the local supply. This would accord with Policy CP8 and Policy DM9.

- 7.10 There are social care facilities at 35 and 37 Pembury Road which provide services for those with sensory impairment, Alzheimer's and other forms of dementia and learning disabilities. In the surrounding area within Palmerston Road there is the Palmerston Care Home which caters for elderly people suffering with dementia and cancer. In Cobham Road is the Uplands Rehabilitation Centre which provides adult care and nursing therapies; and the Bliss Care Home who specialise in mental health and dementia care. In Grosvenor Road there is the Kimberley Grace Care Home for dementia care and the Summer Care Group nursing home.
- 7.11 The site is presently used for supported living care for five persons with learning disabilities and against this background, the proposal would not lead to an overconcentration of similar uses that would be detrimental to the character of a residential area or impact materially on the capacity of public services given the scale of the provision. The site is readily accessible to public transport amenities and community facilities within the Westcliff district centre.
- 7.12 The application site is a large dwelling with associated garden space within a residential area and is considered capable of providing for suitable living conditions. The submitted plans show a layout and size of accommodation that would be commensurate with a typical dwelling house, providing reasonable daylight, outlook and space conditions including outdoor space.
- 7.13 It is considered that the proposal would provide a public benefit in the provision of supported accommodation for vulnerable young people. 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 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.

#### **Design and impact on the character of the existing building and the wider conservation area**

- 7.16 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance their character and appearance. Development proposals must demonstrate a high-quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character.
- 7.16 The NPPF states that planning decision should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and will function well and add to the overall quality of the area.

- 7.17 Policy DM5 of the Development Management Document states that all development proposals that affect a heritage asset will be required to demonstrate the proposal will continue to conserve and enhance its historic and architectural character, setting and townscape value. In relation to development within Conservation Areas the policy states: *“Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this.”* The site is located in the Leas Conservation Area so special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area as stated in Policy DM5. The NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, the Local Planning Authority should take account of the desirability of new development making a positive contribution to local character and distinctiveness”.*
- 7.18 No external alterations are proposed, and the proposed use would reasonably integrate into the character of the surroundings. It is considered that the proposed use would have a neutral impact on the character and appearance of the Conservation Area and there is no objection on character grounds. The proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.19 The NPPF states that planning decisions should support the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.20 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.
- 7.21 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”.
- 7.23 The applicant has stated that maximum number of 6 children would be cared for at the application site. The proposed use of the site would be likely to result in a different pattern of occupation, and of comings and goings, compared to a single dwelling but probably not significantly different to the current use of the site. The main differences would be primarily as a result of the increase in the numbers of staff. Given the number of bedrooms and occupancy level, which can be secured through condition, there would not be so significant a degree of intensification as to be significantly harmful in terms of noise and general use in the existing setting of the built environment.
- 7.24 The proposed change of use would not result in relationships that are materially different from the existing situation. 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.

- 7.25 The transmission of sound is a matter for building regulations and environmental health legislation and in this instance, it is considered that the potential for any increased disturbance is unlikely to cause sufficient harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 7.26 The proposal is not considered to result in significant harm to the amenities of the nearest neighbouring residents in terms of noise and disturbance from an increase in activity associated with the proposal.
- 7.27 The proposal is therefore acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.28 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.
- 7.29 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. The proposed use does not include provision for any resident staff however 2 staff would be present at all times. Staff numbers at any one time are variable but could be up to 5. However, it is considered reasonable that the current off street parking provision would be sufficient, and consideration is also given to the proximity to public transport services including Westcliff station and bus service within the district centre.
- 7.30 No details have been provided of secure cycle storage or waste management; however, these matters can be 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 highways matters.

### **Community Infrastructure Levy (CIL)**

- 7.31 In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. However, the development the subject of this application is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"').

## **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 of the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. It would provide reasonably for social care needs within the Borough.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 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: 21.7503/M001, 21.7503/M002, 21.7503/E101A 21.7503/E102A, 21.7503/E103A & 21.7503/E104A**

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

- 03.The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential care home for up to 6 residents, (children aged between 12- 18 years old as identified in the application) , and 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 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 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).**

**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.**
- 3. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.**
- 4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit**

**the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.**