

<b>Reference:</b>	23/00543/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Change use of dwellinghouse (Use Class C3) to residential home (Use Class C2) for children, bin store to side, cycle store at rear and extend existing vehicle crossover onto Cobham Road	
<b>Address:</b>	24 Cobham Road, Westcliff-on-Sea, Essex, SS0 8EA	
<b>Applicant:</b>	Collective Properties Ltd	
<b>Agent:</b>	Mr Maz Rahman of RD Architecture Ltd.	
<b>Consultation Expiry:</b>	08.06.2023	
<b>Expiry Date:</b>	07.07.2023	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>410 Rev P3</b>	
<b>Supporting Document:</b>	<b>Planning Support Statement; Planning Application Submission Statement dated 5 April 2023</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is on the eastern side of Cobham Road and contains a semi-detached three-storey dwellinghouse of traditional design. The site has vehicular access off Cobham Road with parking available for a maximum of three vehicles to the front garden. To the rear is a garden some 95sqm in area.
- 1.2 The surrounding area is occupied by residential uses and some small hotels, with a mix of flats, detached and semi-detached properties. The site is not directly affected by any specific policy designations but is bounded by the Leas Conservation Area to the east.

## 2 The Proposal

- 2.1 Planning permission is sought for a change of use from a family dwellinghouse (Use Class C3) to a children's care home (Use Class C2). Modest internal changes to the existing six (6no) bedroom house are proposed, with the home catering for a maximum capacity of up to six (6no) children aged between 5 and 18.
- 2.2 The application is supported by a statement of purpose which details that the operator would be Ofsted registered and the home open to children with emotional or behavioural difficulties and/or children with learning disabilities. The home would provide care 24 hours a day with a minimum of 2 staff on shift at any one time during the day and a minimum of one member of staff on shift overnight. The supporting statement confirms that the home will prioritise children from the Southend-on-Sea area.
- 2.3 Communal facilities are provided at ground floor, comprising a shared kitchen/diner, lounge and separate dining room. A separate shower room and staff office are also shown. At first floor, four bedrooms and a shared bathroom are shown and at second floor, a further two rooms and a shared bathroom are also shown.
- 2.4 No external alterations are proposed to the building. Cycle and bin stores are proposed within the rear of the site. Other proposed alterations include enlarging the existing vehicle crossover by adjoining to the vehicle crossover at No.22 Cobham Road.

## 3 Relevant Planning History

- 3.1 23/00109/CLP- Change of use from dwelling house (Class C3) to residential home (Class C3.b) (Certificate of Lawful Development - Proposed)- Refused.

[**Officer comment:** applications for Certificates of Lawfulness (CLP) are only considered on the legal points and at no stage planning matters form a consideration. The above refused CLP application confirmed that the proposed change of use is development, and that planning permission is required.]

- 3.2 22/02210/CLP- Change of use of the existing dwellinghouse (Class C3) to 6 bed HMO (Class C4) (certificate of lawful development - proposed)- Granted.

[**Officer comment:** The above granted CLP application confirms that a use of the dwellinghouse as a 6 bed HMO would be lawful. This forms a reasonable fallback position for the application site which ought to be give appropriate weight in the balanced consideration of planning matters.]

- 3.3 22/01684/FUL- Convert dwellinghouse (Class C3) into 10 bed HMO (Class Sui Generis), layout amenity space, bin and cycle storage to rear and parking to front, extend existing vehicle crossover onto Cobham Road- Refused.

## 4 Representation Summary

### Call-in request

- 4.1 The application has been called in to Development Control Committee by Councillor Folkard.

### Public Consultation

- 4.2 Twenty-four (24no.) neighbouring properties were notified and a site notice was posted. Four (4no.) letters of objection and three (3no.) letters of support have been received. Summary of representations:

#### Objection

- Loss of a family home;
- Scheme is for financial gain only;
- Anti-social behaviour concerns;
- Waste storage and management concerns;
- Application property is in a poor state;
- The road represents a health and safety risk to potential child occupants from speeding vehicles;
- Cobham Road is not an appropriate location for a children's home;
- The location of the property is not close enough to schools for it to become a children's home;
- Misleading information given in Application Form;
- Disparities within the Supporting Document;
- Disparities between submitted plans and previously refused plans.

#### Support

- There is need for a children's home in Southend that caters for local children;
- The home represents a lovely setting for children.

**[Officer Comment]:** The concerns are noted and those relevant to planning 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.

#### Environmental Health

- 4.3 Conditions sought with regard to noise management and refuse and recycling.

**[Officer comment]:** It is considered disproportionate and unnecessary to add a noise management condition in the circumstances of the proposal and due to such management available under legislative controls outside of the planning regime.]

#### Highways

- 4.4 No objections. The maximum width of the crossover should measure 7.2m.

#### Children's Services

- 4.5 No objection to the scheme.

Comments: This home proposes to support children with mental health, social/emotional difficulties, childhood trauma and associated complex needs such that there would appear to be a need for this type of provision in Southend.

We find it difficult to place our children within such homes as they are often occupied by children from other local authorities across the country. Sending children far away from Southend is not only contrary to our statutory sufficiency duty but also has significant impact on children who have to move schools and are severed from their existing networks, friends and wider family, making it a further challenge for them to build important bonds with people they trust and nurture their relationships as they grow.

There are currently 45 placements available within children's homes within Southend on sea so that officially, there is sufficient capacity within Southend-on-Sea for children to be placed within the city however, as evidenced above, we are still finding it challenging to place with local providers. Local children's homes may refuse to offer a place for local children for a variety of reasons. Overall, it is up to the children's home, not the local authority, to decide if they will accept the child or not.

I am encouraged that the applicant has committed in their application to prioritise all referrals received from Southend on Sea City Council and their commitment to work with SCC placement team to help meet the needs of Southend's vulnerable children to stay in Southend. We request that, if approved, as a condition of this planning application Southend on Sea children's services have first refusal of all placements at this children's home to ensure we put in all measures possible to keep Southend on Sea children close to home.

**[Officer comment]:** Given the nature and content of the need case presented by the applicant it is considered reasonable in the context of this application to impose a condition restricting prioritisation of care spaces in the way referred to above. This would be consistent and reasonable because the applicant's Planning, Design and Access Statement specifically confirms that children from Southend-on-Sea will be prioritised to reside at the proposed children's home and that factor has formed a key consideration in the balance of the planning assessment.

### **Essex Police**

- 4.6 Encourage the applicant to make contact to discuss 'Crime Prevention Through Environmental Design' capabilities for the scheme.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (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 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.7 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

## **6 Appraisal**

### **Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation issues RAMS and CIL.

### **Principle of Development**

- 6.2 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.

- 6.3 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.*

- 6.4 As a matter of general principle, a residential care use may be compatible with a wider residential setting. The surroundings are predominantly residential and on that basis the proposal is considered to be consistent with the character of its surroundings in principle.

- 6.5 The proposal would not lead to an overconcentration of similar uses that would be detrimental to the character of this residential area or impact materially on the capacity of public services given the scale of the provision. The adjoining property is flats but the proposal would not significantly impact on the residential amenity of this or other neighbours as discussed in the relevant section of this report. The site is appropriately

accessible to public transport including Westcliff Station and main bus routes, amenities inclusive of the Seafront and Chalkwell Park and community facilities.

- 6.6 The applicant has described the existing use of the property as a dwellinghouse. It is appropriate that consideration be given to use of the building as a single-family dwelling and the contribution which such current use makes to the housing stock within the city. The development would lead to the loss of a single-family dwelling. Set against that important consideration the development would provide living accommodation for a specifically identified local need.
- 6.7 The proposal would represent new additional social care provision in the form of supported living accommodation in the City. In light of Policy DM9, the information provided by the applicant and through consultation with Children's Services (CS) it has been identified that there is in practise a clearly identified need within the City, as articulated within the CS consultation response and there is not sufficient existing capacity for such facilities within the City.
- 6.8 As a dwelling with associated garden space within a residential area the site 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 dwellinghouse, providing reasonable daylight, outlook and space conditions including a good outdoor space.
- 6.9 It is considered that the loss of the single-family dwelling use is a negative of the proposal to be weighed carefully in the balance of planning matters. Some weight should also be given to the fallback position of using the dwelling as a 6-bed HMO as verified through the Certificate of Lawful Proposed Use 22/02210/CLP referred to in the planning history section of this report. The proposal would provide a public benefit in the provision of supported accommodation for vulnerable children/young people but a key factor when apportioning weight to the nature and composition of identified need is how this proposed use would prioritise children from the City of Southend-on-Sea, a consideration highlighted by the Council's Children's Services and a central factor within their consultation response.
- 6.10 Subject to a condition that children from the City of Southend-on-Sea be prioritised in the allocation process, it is considered that the nature and level of identified need would then be addressed. This would be sufficient to outweigh the loss of the single family dwellinghouse use even allowing for the additional weight which would have been attached to the fallback potential use as an HMO.
- 6.11 Taken in the round and in the specific circumstances of this application and the current position on local care context it is considered to be reasonable and necessary for a condition to be imposed to secure the restricted arrangements described above. Subject to that condition, it is considered that this proposal would sufficiently 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 and that its negative impacts described above would be reasonably outweighed.
- 6.12 Subject to conditions including one to restrict the use to an appropriate client group, catchment area and number of residents the proposed conversion of the dwelling to supported residential care home accommodation for children and young people is acceptable in principle and in accordance with the relevant development plan policies.

- 6.13 On this basis, the proposal is therefore considered to be acceptable and policy compliant in the above regards and overcomes that previous reason for refusal.

### **Design and Impact on the Character of the Area**

- 6.14 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.15 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 6.16 The site adjoins the boundary of the Leas Conservation Area (to the east). Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.17 Policy DM5 of the Development Management Document states that “Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.”
- 6.18 The proposal does not include any external changes to the main building. The proposed cycle parking outbuilding to the rear is detailed as a timber shed 2.8m deep and 4.6m wide. The proposed location and design of the outbuilding is considered acceptable including any impact on the setting and appearance of the adjacent Conservation Area.
- 6.19 The proposed location of the bin storage facilities would not significantly impact the character and appearance of the site due to limited public views to the side of the site. It would not harm the setting and appearance of the Conservation Area. Details of the bin store enclosure itself can be secured by condition.
- 6.20 No objection is further raised to the proposed enlargement of the vehicle crossover given the prevalence of similarly scaled forms of development in the streetscene.
- 6.21 Overall, the proposal, subject to conditions, would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. The proposal would also preserve the historic and architectural significance of the Leas Conservation Area. The proposal is considered to be acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 6.22 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.23 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm.

6.24 If notionally compared to space standards applicable to new development the current family sized dwelling's size would enable a design capacity for up to ten (10) persons. The applicant has stated that a maximum number of six (6) children would be cared for at the application site. One (1) member of staff would reside on site overnight and a minimum of two (2) staff would be on site in the day. This level of client occupancy can be conditioned. The proposal would change the occupancy profile of the building but would not materially intensify the use of the site.

6.25 Sound transmission 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 impact on the amenities of nearby occupiers in a way or to an extent that would represent a level of harm justifying the refusal of the application on those grounds. As the built form is proposed to remain unchanged, the proposal would not affect the amenity of neighbouring occupiers in any other relevant amenity regards.

6.26 The proposal is not considered to significantly harm the amenities of any neighbouring residents in terms of noise and disturbance from an increase in activity associated with the proposal. Subject to the described conditions the proposal is therefore acceptable and policy compliant in the above regards.

### **Living Conditions**

6.27 According to policy DM8 of the Development Management Document, non-self-contained accommodation must comply with Policy Table 6 which requires, among others, a bedroom size of 6.5sqm for single bedrooms. Not all requirements of this policy table are relevant to a care home development.

6.28 The submitted floor plans show that all rooms would be larger than required minimum standard. All habitable rooms would have adequate access to daylight, sunlight and outlook. The site benefits from acceptable private amenity space.

6.29 Overall, the proposal would offer acceptable living conditions for its intended future occupiers and would be policy compliant in this regard.

### **Traffic and Transportation Issues**

6.30 The NPPF states (para 111) 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."

6.31 Policy DM15 of the Development Management Document states: "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". The policy also requires that adequate parking should be



provided for all development in accordance with the adopted vehicle parking standards.

6.32 The lawful use of the site as a dwellinghouse attracts a minimum standard of two spaces. The maximum parking standards outlined in the Development Management Document for residential care homes are for 1 space per resident staff + 1 space per 3 bed spaces/dwelling units. Consequently, the maximum requirement for parking at the site would be 4 spaces.

6.33 Following the proposed enlargement of the existing dropped kerb, the number of spaces available would be increased to three which is a positive element of the scheme. On this basis, the proposed change of use of the site and the proposed enlargement of the existing dropped kerb site would not significantly harm highway safety or the free flow of traffic. The development is acceptable and policy compliant in the above regards. Highway officers have confirmed that they have no objection to the proposed development on parking or highways grounds.

6.34 The EVCI SPD stipulates that car parking spaces are fitted with charging infrastructure. On this basis, the additional space provided on the site will be required to be fitted with active provision.

6.35 Details of cycle storage have been provided. The policy requirements include the provision of a minimum of one secure cycle space per 5 staff. Secure cycle storage for 10no. bicycles is proposed in the rear garden which is considered acceptable. Conditions can be imposed to ensure this is carried out in accordance with the details submitted.

### **Recreational Disturbance Avoidance Mitigation Strategy (RAMS)**

6.36 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

6.37 As the proposal is for a change of use and does not result in any additional uplift in the number of dwellings at the site, the RAMS payment is not applicable in this instance.

### **Equality and Diversity**

6.38 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation and the facility will offer much needed places for the needs of children with needs.

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

6.39 As the proposed development does not result in new dwellings nor the provision of new floorspace, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

## **7 Conclusion**

7.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, in particular those defining the proposed home's client group and placement strategy the development proposed would contribute to improvement of the City's social infrastructure. On this basis it would be acceptable as a matter of principle and, would have an acceptable impact on the character and appearance of the area, including the Leas Conservation Area neighbour amenity and, on the local highway network. On this basis, the application is therefore recommended for approval.

## **8 Recommendation**

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

**01 The development hereby permitted shall begin no 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 hereby permitted shall be carried out solely in accordance with the approved plan: 410 Rev P3**

**Reason: To ensure that the development is carried out in accordance with the development plan.**

**03 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a children's and young persons' residential care home for up to 6 residents who shall be between the ages of 5 to 18 with residents falling under the responsibility of Southend-On-Sea City Council given prioritisation in the allocation process. The property 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) or any act or order amending or re-enacting that Order or any changes permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any act or order amending or re-enacting that Order.**

**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 (2021), Policies KP2 and CP6 of the Core Strategy (2007), and Policy DM9 of the Development Management Document (2015).**

**04** Prior to first use of the premises as a children's and young persons' residential care home (Use Class C2), the secure cycle and waste storage as shown on approved drawing no. 410 Rev P3 shall be provided at the site in accordance with details that have previously been submitted to and approved by the local planning authority. Once approved, the cycle and waste storage shall be made available 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, neighbour and occupier amenities further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, DM8 and DM15 of the Development Management Document (2015).

**05** The car parking spaces for the development hereby approved shown on approved plan 410 Rev P3 shall be provided and made available for use at the site prior to the first use of the care home hereby approved. At least one of the parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the approved development.

**Reason:** To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCi) for New Development Supplementary Planning Document (SPD) (2021).

#### **Informatives**

- 1. Community Infrastructure Levy Liability Notice:** 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 will 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 City.**

#### **Positive and Proactive Statement**

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.**