

- a) **DOV/16/00973 – Variation of Condition 2 of planning permission DOV/05/000197 to allow use for a residential care for a maximum of 8 people with learning difficulties - Castle Mount Lodge, Taswell Street, Dover**

Reason for report: Number of contrary views to Officer's recommendation

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 8 of NPPF promotes healthy communities.

- d) **Relevant Planning History**

DOV/05/00197 – Granted, for removal of condition attached to planning permission DOV/88/1298 to allow the use of the site for children with learning difficulties. Condition 2 of that permission states:

“The premises shall be used for the particular use hereby permitted, namely as a residential children’s home for children with learning difficulties, and for no other purpose, whether or not within the same Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As Amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order that the Local Planning Authority may have control over any subsequent changes of use, in the interests of the amenities of the locality.”

DOV/88/1298 – Granted, for the change of use from residential to nursing home (with Condition 1 of this permission requiring that the use be confined to a nursing home only).

- e) **Consultee and Third Party Responses**

The application has been advertised twice, as in March 2017 layout drawings and further information regarding the use were submitted. With regard to the current proposal and under the second round of consultation the following responses have been received:

Environmental Health Officer: No observations

Kent Police: No Comments

KCC Accommodation Solutions Officer: Removed their original objection following discussions with the applicant and a better understanding of the operation and how the service complies with the objectives of the Kent Accommodation Strategy. If the service is delivered in line with the aims of the Kent Accommodation Strategy the service could be required for a targeted market and relevant to the local area.

1 Letter retracting an original objection and setting out a neutral stance has been received. Two other neutral responses have been received.

To the originally submitted application, the following responses were received:

Dover Town Council: Supported KCC's original objection to the scheme

The Dover Society: Supports the proposal but with concerns that would need to be addressed such as – there should be engagement with the local community and mitigation measures in place, the building could be more suited to the elderly, highway safety concerns and impact upon residents parking and security.

KCC Strategic Commissioning: The application does not support the Kent Accommodation Strategy.

Environmental Protection Officer: No observations

Head of Community Safety: No observations

18 letters of objection have been received that raise the following concerns:

- The property should be used as a dwellinghouse
- The use of the property would give rise to a reduction in the security of the local area
- The proposal is an over intensive use of the building
- The proposal would give rise to overlooking, loss of privacy and loss of residential amenity
- There is a high demand for on street parking in the area and the proposal would increase the pressure for parking in the immediate area and give rise to harm to highway safety.

f) 1. **The Site and the Proposal**

Site

1.1 The application site comprises an extended late Victorian and early Edwardian 2/3 storey detached building. The building has a front garden, but has an extensive rear garden. The building has been extended to the rear at ground and first floor level. Behind the

extensions is a large tarmacked parking and delivery area that is served by an access from Laureston Place. Staff parking is available and refuse containers are located on this tarmacked area.

- 1.2 The building had been used as a children's care home, but at the time of the Officer's site visit, this use had ceased. The building was ready for the proposed use with 8 rooms each equipped with a bed, tv, wash basin, soft chair and desk. Staff were working within the front office, the kitchen was fully equipped and communal rooms were furnished. The proposed use had not commenced.

- 1.3 The site falls within a residential area close to the town centre. The topography of the road rises from the south to north, such that the building is quite prominent within the street scene, rising above the height of surrounding properties. However, further east is a flatted development in three blocks (Samphire Court) which is on higher ground.

On street parking is available along Taswell Street, but at the time of the Officer's first and third site visit to the property there was limited on street parking space available.

- 1.4 To the east of the access beyond the site the area forms part of the conservation area, containing a number of more historic buildings and narrow street widths and more informal building and spatial layouts. Vehicle access to the site is gained from Laureston Place. This road also serves a Primary School and other residential properties. Parking along the road is restricted.

Proposal

- 1.6 The proposal is to use the property to provide residential accommodation for adults with learning difficulties who are supported by staff and each other to become self-sufficient so that they can transition and live in local communities following a period within the home. The home is seen as a transitional accommodation to assist clients towards living in local communities independently.

The applicant company has been working in this sector for some 20 years.

- 1.7 Referrals are assessed by Kent Social Services and referred to the applicant. The applicant undertakes their own assessment to see whether the individual is suitable to the living environment and community within the building that has been created.

- 1.8 Each client is risk assessed by the applicant company and those that are considered not to be at risk are allowed out of the property during the day but under supervision and monitoring. The idea behind this is to enable the client to be independent and to be able to 'fit' with and get accustomed to the local community.

The applicant company wish to fully engage with the local community and intend to respond to comments and any complaints. Staff intend to have an open evening to invite neighbours into the building to see

the accommodation and experience the living environment proposed for the clients.

- 1.10 Staff and deliveries will be directed to the rear of the site with comings and goings from the access from Laureston Place.

2 Main Issues

2.1 The main issues are:

- The impact upon the existing character and appearance of the area
- The harm to residential amenity

Introduction

2.2 It is important to set out and clarify the planning history of the site and how it might have any implications for the determination of this current application.

2.3 In 1988, permission was granted to change the use of the building from a dwellinghouse to a nursing home, with a condition imposed limiting the use of the building to a nursing home only. In 2005, permission was granted to remove this condition. However, in removing the condition, the Council imposed a further condition restricting the use of the building to a home for children with learning difficulties only.

2.4 The current application seeks to vary the Condition imposed in 2005, to allow adults with learning difficulties to occupy the building.

2.5 It is important to point out therefore that the use of the building has been a residential institutional since permission was granted in 1988. Furthermore, due to the use class categories set out in the Use Classes Order 1987, as amended in 2015, planning permission is not usually required to change from one type of residential or nursing care facility to the other. Use Class C2 – Residential Institutions, brings together the following types of residential institutional use into the same use class: residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

2.6 Permission is only required in this instance because of the condition which (in effect) removed the permitted right to change one type of care home the another - as the clientele is proposed to be changed from children to adults.

Character and Appearance

2.7 The existing building is an extended 2/3 storey late Victorian, early Edwardian detached property that has been extended to the rear. It is located within a generous plot, with a front garden facing onto Taswell Street, but with a long rear garden and parking area served by a vehicular access from Laureston Place.

2.8 The building was originally a large dwellinghouse, but has been in

residential institutional use for over 25 years. A residential institutional use has been deemed acceptable to the Council by reason of the previous decisions that have been made in allowing the previous changes of use. A residential institutional use, by definition, is usually a type of use that is suitable within a residential area.

- 2.9 It is considered that with 8 well equipped bedrooms for clients, some communal rooms and some rooms for staff, the proposed use will not be over-intensive and the building would not be unreasonably subdivided so as to cram clients into the building, to maximise accommodation. In fact, one less bedroom is proposed with this application than had been available to the children's care home – with this spare room proposed as a library/snug on the submitted drawings. This room has a fire escape door to the roof of the extension.
- 2.10 The number of clients would be limited to 8 adults, visitors will be accepted within reasonable hours by appointment. A visitors' book is required to be signed and there is supervision during the day and night. The permitted use is limited to 9 children and it is likely that those children would have required more supervision than the proposed adults, who are being encouraged to be independent and self-supporting.
- 2.11 It is concluded therefore that the nature of the proposed use; the comings and goings of staff and visitors and general activity around the building is not likely to have a noticeable impact upon the existing character and appearance of the area.

Residential Amenity

- 2.12 Residential properties surround the application site. The proposed use is suitable to a residential environment. The proposed clients or service users are assessed as to their suitability to the property and the nature of the operation and living environment that is being created.
- 2.13 It is important that the use is operated and managed well. The feedback from KCC and the length of time the applicant company has operated such a use indicates that it should be. A planning condition could be imposed to approve the details of how the facility would be managed and how monitoring and mitigation measures could be in place to assist how the use could be integrated with the local community. A condition could also be imposed to direct staff and visitor parking to the rear of the property, so as to reduce the pressure for on street parking in Taswell Street and the surrounding roads. There is ample parking available to the rear of the property.
- 2.14 In view of the reduction in bedroom numbers and the change from children (up to 18 years old) being accommodated to adults being accommodated it is unlikely any impact upon residential amenity would be material or unduly harmful.

Other Matters

- 2.15 The application site is located close to the conservation area. Section 72 of the Town and Country Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the setting of conservation areas. In this case, the access is already in situ and staff car parking and deliveries take place to the rear of the property – which require vehicles and visitors to come through the conservation area. The proposal seeks to change the occupiers of the building from children to adults. It is unlikely to result in a change as to how the site will be serviced and accessed from the rear and how the conservation area might be affected. As such, having given considerable importance and weight to the conservation area status the proposal is likely to have a neutral impact upon the setting of the conservation area and therefore preserve its character and appearance.

Conclusion

- 2.16 The proposed change in the nature of the use of the building from accommodating children to accommodating adults with learning difficulties is unlikely to give rise to any additional impact upon the character and appearance of the area and the residential amenity.
- 2.17 Subject to safeguarding conditions, the use would be compatible in this area.
- 2.18 In conclusion, on balance, the proposal is supported as a sustainable form of development in this location.

g)

Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions set out in summary to include: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) visiting hours to be restricted to 8.00am to 8pm iv) All staff parking and deliveries to take place to the rear of the property v) No more than 8 clients to be accommodated within the building vi) A Management Plan to be submitted to the LPA for approval setting out measures to mitigate harm and address complaints from local residents; including holding regular meetings with local residents and monitoring how the use adapts to the local environment; and directing staff and visitors to the premises to park within the car parking area to the rear of the property.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer
Vic Hester