

- a) **DOV/21/00888 – Change of use from bed and breakfast to children's residential care home, and replacement of front door with window (Class C3B) (front, side porches and outbuildings to be demolished) - Land at the White Horse, Church Hill, Eythorne**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1, DM2, DM13, DM24

National Planning Policy Framework 2021 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction.
- Section 12 is relevant as the proposal should seek to achieve well-designed places

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Regulation 18 Consultation on the Draft Local Plan

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

17/00548 – Planning permission was granted for the erection of two houses within the former grounds/parking area of The White Horse.

15/00441 – Planning permission was granted for the change of use of the application property to a 5 bedroom bed and breakfast accommodation.

Prior to 2015, it is understood that the property had been in use as a dwellinghouse from 2010. It is understood that the public house ceased trading circa 2007.

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

The proposal has been amended from its initial submission and two consultations of the application have taken place.

Eythorne Parish Council: The initial response was not to raise an objection in principle but to question the proposed use of the property close to a busy road, and the lack of outside space and parking spaces. The second response from the Parish Council raises no objections.

KCC Highways: Having considered the proposal and the affect on the highway network, no objections are raised.

DDC Environmental Protection: To the initial scheme, a noise report was sought to show how soundproofing might mitigate potential noise from the music room and outdoor buildings. The second response withdraws the request for a noise report following amended plans.

Third Party Representations: There have been 22 representations received from the public consultation. Of these, 10 responses raise objections, 9 responses support the application, and 3 responses are interpreted as neutral. The objections can be summarised as follows:

- Proximity to the busy highway
- Location, outside space for children to play and size of accommodation are inappropriate for children
- No suitable parking is available
- There would be an increase in demand for on street parking
- The proposed parking spaces are of inadequate length, which would require pedestrians to walk close to the carriageway
- The loss of the existing use would reduce the economic benefits to the village
- The use would be too far removed from amenities

The supporting comments can be summarised as follows:

- An appropriate use for the building
- Results in the building being restored and brought into use
- The use will provide employment
- There would be economic benefits for local trades
- Vulnerable children need support
- The parking and security doors proposed will mitigate the risks

f)

1. **The Site and the Proposal**

1.1 The application property is a large detached two storey Edwardian styled building, with a basement and attic. At the time of the site visit, the building was undergoing refurbishment. The building has been used as a public house, dwellinghouse, and for bed and breakfast accommodation. The current building replaced a previous building in use as a public house dating back to the 18<sup>th</sup> Century.

1.2 The building is located on the corner of Wigmore Lane and Church Hill. It has a forecourt fronting onto Wigmore Lane and a forecourt and garage building fronting Church Hill. The main elevation of the building

fronts Wigmore Lane. To the rear of the property there are outbuildings and a small yard area.

- 1.3 The 'as existing' plans show two cellars in the basement with access via stairs from within the building; two lounges, a dining room, kitchen and bathroom facilities on the ground floor, and five bedrooms on the first floor. There are two at grade entrances into the building in the front and side elevations. The side entrance is served by a porch which is proposed to be demolished.
- 1.4 The application property falls within the settlement confines of Eythorne and is otherwise not designated or allocated within the Development Plan. There are mostly residential properties surrounding the application site. Within a reasonable walking distance of the application site are shops, a church, school, playing areas and bus stops. Public Rights of Way are also close to the application site.
- 1.5 The adjacent property "Sparrowcourt" is located immediately to the east of the application site. This is Grade II listed. It comprises a 17th Century single storey (plus attic) residential building, with a hipped pitched roof and dormer windows and finished in render under a plain tiled roof. To the west of the application site, on the other side of Church Hill, The Old Bakery and The Granary are 18th Century Grade II listed buildings. The Bakery also has an attached listed wall that leads up Church Hill.
- 1.6 The proposal has been amended since its original submission. The change of use seeks to accommodate up to 4 children in care. The proposed plans show the basement to be used as a cinema room, music room, soft seating room, secure room and sensory room; the ground floor to be used as a lounge, dining room, kitchen, utility area, office, games room and storage; and the first floor to be used as 4 bedrooms and a staff bedroom. The children would share two bathrooms. The staff bedroom would have an en-suite.
- 1.7 The amended block plan shows the removal of three outbuildings in the rear yard of the application site and the provision of 4 car parking spaces on the Wigmore Lane forecourt and 3 parking spaces on the Church Hill forecourt. An existing porch to the side of the building, serving one of the entrances, will be removed and there would be some other minor changes to the elevations of the building to accommodate the change of use.
- 1.8 The proposed change of use is intended to support children for whom, due to their particular needs, it is considered that family living is not currently an appropriate option. The goal is to provide a secure base and long-term support for children who either have a diagnosis of Autism and/or ADHD or require assessment. There will be one-to-one support for the children and the aim to develop strong relationships in order to identify and support specific needs and areas of development.
- 1.9 The care home will provide 52-week a year care for up to four children; offering day and night support with a one-to-one adult to child ratio. It will offer placements to up to 4 male and/or female children aged 7-13 upon admission with the upper age of a resident being 16 years old.

It is intended that all the children will attend local schools, and some may have, in addition, home tutoring. Initially the children will not have unsupervised time. The one-to-one supervision will ensure that an adult is assigned to each child every day and is able to supervise the child at all times (both in the house and whilst out in public). Once the child is settled and of an age where it is felt they are ready to build some independence, a carefully considered independence plan will be created and put in place.

- 1.10 The children's social workers are required to complete a statutory visit every 6 weeks. The house will also be inspected by Ofsted annually. The children will have a CIC Medical annually, however this is usually completed off site at a health centre. The children would receive various assessments; these are also conducted off site at centres or through hospital appointments. The adults caring for the children would normally provide feedback or observations in support of any assessments.

## **2. Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on highway safety

### **Assessment**

#### **Principle of Development**

- 2.2 The application site falls within the settlement confines of Eythorne. As such, under Policy DM1, the change of use of the building is acceptable in principle.
- 2.3 Core Strategy Policy DM24 seeks to retain rural shops and public houses. The public house use of the building ceased some 15 years ago and there have been intervening uses. Therefore, the application of this policy does not apply.
- 2.4 Core Strategy Policy DM2 seeks to protect buildings in employment use. The previous use as a bed and breakfast and the proposed use are both quasi-residential uses that provided and will provide employment opportunities. In fact, it is more likely that the proposed use will increase the level of employment opportunities on site compared with the previous use. As such, the proposal does not conflict with Policy DM2.
- 2.5 Paragraph 92 of the NPPF promotes healthy, inclusive and safe places and services communities need. In essence, therefore, and in relation to the determination of this application, the principle of the change of use is acceptable and supported in the NPPF.

#### **Impact on Character and Appearance**

- 2.6 The proposed change of use seeks to retain the residential accommodation provided within the building, but to increase the level of facilities available to the proposed occupiers. For a building of this size, the proposal to accommodate 4 children in their own bedrooms, and one staff bedroom would not amount to an over-intensification of the use of the building.
- 2.7 The proposed accommodation on the ground and basement floors seeks to provide access to a range of facilities for the children. The removal of outbuildings in the yard also increases the area of outside space for the children to enjoy external play space and exercise.
- 2.8 Whilst there may be a small increase, from the previous bed and breakfast use, in the level of people coming and going during the day, the difference is not considered to be material or change the prevailing character and appearance of the area.
- 2.9 The existing forecourts will be used for car parking and, with the removal of the entrance porch and outbuildings, the application building will retain its current spatial setting.
- 2.10 In conclusion, in view of the previous public house and bed and breakfast uses of the building, the proposed change of use is not considered to have any material bearing upon the prevailing character and appearance of the area and accords with paragraph 130 of the NPPF.

#### Impact on Residential Amenity

- 2.11 The proposed use would be compatible within a residential area. In view of the proposed number of children it is not anticipated that the proposed use of the building will give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area. The building is not in a quiet residential location where comings and goings would be more apparent. Rather it is on a junction where there is already a degree of vehicle movements and associated traffic noise. In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded.

#### Impact on Highway Safety

- 2.12 In effect, the proposed parking layout is an improvement on the previous parking layout that was available to the bed and breakfast use, as the removal of the garage building, and set back of the boundary fence to serve the rear yard area, enables a better depth of parking space to be provided on the forecourt served by Church Hill. There are no technical objections from KCC Highways to the proposed use, the site's location on the crossroads and the level of car parking provided. It is not considered therefore that it can be reasonably demonstrated that the proposed use would give rise to harm to highway safety.
- 2.13 Policy DM13 is based upon the adopted parking standards as set out in KCC's Parking Standards SPG (2006). This document is to some

extents out of date, as there is no parking standard equivalent to the proposed Class C2(b) use. The closest standard that could be applied relates to residential care homes. This would require 1 space per 6 beds, 1 space per member of staff plus 1 space for two other members of staff and 1 space per resident staff. On the basis of the standard, the requirement would be 5-6 spaces. The proposal provides 7 spaces.

### **3 Conclusion**

- 3.1 The proposed use would help meet a need and provide accommodation for vulnerable children. The application building is of sufficient size and in a sufficient location to be able to provide reasonable accommodation for the children with access to a reasonable level of amenities and public facilities. The local school for example is a short walk up Church Hill on the same side of the road.
- 3.2 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a decision maker shall have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest it possesses. The proximity of the listed buildings to the application property requires an assessment to be made on the impact of the proposal and considerable importance and weight must be given to any predicated harm. In view of the very limited changes to the external appearance of the application building and its site, the loss of a porch and outbuildings, along with the proposed use, it is considered that the proposal would not have a material impact upon the setting of these listed buildings. As such, their setting would be preserved.
- 3.3 It is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location. It also provides accommodation for a vulnerable group of children who require this level of care. As such, the accommodation would meet the requirements of the NPPF to provide for the specific needs of groups and would meet the requirements for social inclusion.

g)

### **Recommendation**

- I Planning permission be GRANTED with the imposition of the following conditions:
  - i) In accordance with the approved plans.
  - ii) The use of the building to be limited to up to 4 children at any one time.
  - iii) Parking spaces as shown on the approved plans shall be provided before first use and retained thereafter
  - iv) Details of cycle, refuse and recycling facilities to be submitted for approval and implemented before first use
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester