

MC/18/1854

Date Received: 20 June 2018

Location: 77 Main Road Hoo St Werburgh Rochester Medway

Proposal: Change of use from former care home for the elderly with disabilities to a children's day nursery - resubmission of MC/17/3069

Applicant Mr Nishi Patel

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Ward: Peninsula Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 26th September 2018.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 633/01 Rev A and 633/02 Rev A received on 20 June 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall only operate between the hours of 07:00 and 19:00 hours on Monday to Friday inclusive, and not on Saturday and Sunday.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking on drawing number 633/01 Rev A has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 5 The number of children attending the nursery hereby approved shall not exceed 53 (children) at any given time.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the change of use from care home for the elderly with disabilities (C2 use) to a children's day nursery (D1 use). The ground floor would provide teaching rooms for under 2 year olds (9) including a sleep room, 2 year olds (20) and 3+ year olds (24) a total of 53 children, with associated kitchen, reception area, WCs and changing rooms. The first floor would consist of a meeting room, staff room, structural time room, nature room, sensory room, quiet room and an office.

Relevant Planning History

MC/17/3069	Change of use from care home to children's day and associated 4 staff accommodation rooms. Decision Refusal Decided 21 November, 2017
MC/16/4157	Change of use from residential care home (C2) to HMO (sui generis) Decision Withdrawn by Applicant Decided 17 November, 2016

MC/16/3841	Change of use from care home (C2) to 13 bed HMO (Sui Generis) together with associated parking Decision Withdrawn - Invalid Decided 10 October, 2016
MC/03/1473	Construction of a first floor side extension Decision Approval with Conditions Decided 26 August, 2003
MC/03/0972	Construction of conservatory to rear Decision Approval with Conditions Decided 30 June, 2003

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Forty-one (41) letters of support from 38 different addresses.

Hoo St Werburgh Parish Council has objected on ground of inadequate parking for the size of the proposed nursery.

Four letters of objection raising the following concerns:

- Lack of parking.
- Impact on Main Road during drop off and pick up times.
- Impact of parents parking on the doctor's surgery car park.

These issues have been considered within the report below.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2018 and are considered to conform.

Planning Appraisal

Background

A planning application for the change of use from care home to children's day nursery and associated 4 staff accommodation rooms was refused on 21 November 2017 under reference MC/17/3069 for the following reasons:-

1. The proposed change of use would result in the loss of a care home facility which could provide a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Therefore, by virtue of the lack of justification for the loss of this facility the

proposed development is unacceptable as it would result in the reduction in the facility for care provision within the borough as such the proposal is contrary to Policy CF2 of the Medway Local Plan 2003, and the objectives of Paragraph 50 of the NPPF. The emerging evidence from Medway Council SHMA 2015 and Projecting Adult Needs and Service Information System (PANSI) indicates the increased need for such care facilities over a variety of age groups. The loss of a Class C2 residential care home facility without an assessment of its viability would be detrimental to the future housing mix contrary to Paragraph 50 of the NPPF.

2. The parking spaces for the proposed use would provide insufficient spaces to effectively manage parents collecting and dropping off their children by car. Given the current demand on the roads from other uses including a GP surgery adjacent to the application site, the proposed development would significantly exacerbate this and result a significant detrimental impact on highway safety and the free-flow of traffic on the public highway and in turn result in a detrimental impact on the amenity of the residents of Killick Close and users of the medical centre on Tilley Close. Consequently, the application would be detrimental to highway safety and parking in the area and as such contrary to Policies CF2, T1, and BNE2 of the of the Local Plan and objectives of paragraph 17 of the NPPF.
3. Without supporting evidence on the nature of the use of the proposed staff accommodation on the first floor of the building, the LPA is unable to assess the impact on future occupiers' amenity and the suitability of the layout, room sizes, and amenity provided for the use including the relationship and potential conflict from noise with the offices, meeting rooms, staff rooms at first floor level and the main nursery use at ground floor. Consequently due to the lack of information the staff accommodation use would be contrary to Policies CF2, BNE1 and BNE2 of the Local Plan and paragraph 17 of the NPPF.

This application differs by removing the staff accommodation from the first floor and providing justification for the loss of care home. A transport assessment has been submitted to overcome concerns regarding the parking and highway reason for refusal. The application was assessed against the 2012 NPPF which has now been replaced by the 2018 NPPF (published July 2018).

Principle

The Local Plan does not class a C2 residential care home as a protected community facility and therefore does not benefit from any special policy protection. However, Paragraph 61 of the NPPF states that the housing need for different groups in the community should be addressed including affordable housing, families, older people, students, and people with disabilities. A care home then falls within this need and so should be protected in this manner. It then needs to be assessed whether there is a need for a care home facility in this location.

The emerging evidence of the Local Plan suggests that there is a need in coming years for more specific care needs within the Medway Towns. In respect of the proposal, whilst the care home ceased operations in 2016, the proposed development

would result in the loss of the care facility on this site. It is clear, however, that since its closure and due to the size of the property there has been no interest for a care home to be operated on the site. This is also evident in the planning history where planning applications have been submitted for changes of use since 2016.

Given the above, it is considered that sufficient justification has been provided by the applicant to support the fact that a care home or a care facility in this location and of this size would not be viable and as such the loss of the care home is considered to be justified and acceptable.

The proposed children's nursery would provide a valuable community facility and service. The nursery would accommodate up to 53 children ranging between the ages 0 to over 3 years old and would be operated by Toodles who are an established child care provider in the local area.

In terms of policy support, Policy CF2 of the Local Plan permits new local educational facilities, including early years, subject to suitable size and scale, the development not having detrimental impact on the countryside, residential amenity, landscaping or ecology and there is accessibility to the local population by a variety of means of transport. The proposed use would provide an essential service for the local community and area, and would not have a negative impact on the area or residential amenity, and given the location within a residential area and the small scale of the facility, would be accessible by various means of transportation.

Consequently no objection is raised in principle to the proposed development, subject to the details considerations below.

Design

Paragraph 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale, mass and layout, respect the visual amenity of the surrounding area.

The proposed change of use would not result in any external changes and as such, there would be no harm to the character and appearance of the street scene from the proposal in design terms.

Amenity

Policy BNE2 of the Local Plan and bullet point 4 of Paragraph 127 (f) of the NPPF relates to the protection of residential amenities.

The proposed change of use would not result in any external changes and as such, there would be no detrimental impact on the neighbouring occupiers from loss of outlook, sunlight, daylight and privacy as a result. It is considered that given the location of the teaching rooms for the nursery on ground floor and the proximity of existing neighbouring residential properties there would be some impact in terms of noise from the use, however due to the proposed hours of use being during normal working hours and on week days, the proposed nursery is unlikely to have a detrimental impact as it would not operate at unsociable hours and if the application

were considered to be acceptable the operation can be controlled by condition, including the number of children to ensure that the nurse operates within reasonable capacity in a residential area.

Highways

Issues have been raised within the consultation regarding highway safety on Main Road and impact on the doctor's surgery and neighbouring residential properties during drop off and pick up times. The Council's Parking Standards indicate that the development should provide a maximum of one space per two staff members and one space per four children for parents. This equates to approximately 5 spaces for staff and 13.25 spaces for parents. The application proposes 4 car parking spaces and 6 cycle spaces. The application has been supported with a transport statement which indicates that one space would be for the nurse manager and the remaining three spaces for parent pick up and drop off.

The transport statement indicates that an existing C2 use would likely generate up to 66, two way car movements per day while the nursery running at 100% capacity would likely generate 138, two way car movements per day. Traffic and parking surveys of the area and vehicle movements assessments are considered within the transport statement which concludes that there are no set times for parents to arrive or depart and that therefore the arrivals and departures would be staggered thereby generating lesser demand for parking and, therefore, would not conflict negatively with the opening times of the adjacent surgery. Given the level of car movement that would be generated by a nursery of this size, it is not considered that there would be a harmful impact on highway safety. In addition, it is not expected that all parents would arrive by private vehicle as this service would appeal to local residents who currently live in the immediate vicinity of the site.

The submitted transport assessment is considered to be acceptable and has provided justification to address the (parking) reason for refusal under MC/17/3069. Consequently, the proposed development would raise no significant highway safety issues and there is no objection to the parking provided. The proposal would therefore be in accordance with Policies CF2, T1, T13 and BNE2 of the Local Plan and objectives of Paragraph 127(f) of the NPPF, subject to a condition to secure the parking prior to commencement of the use.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies CF2, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 11(d), 61, 124 and 127 of the NPPF. The application is accordingly recommended for approval.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the objection from the Parish Council and the number of representation received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>