

**MC/23/0328**

**Date Received:** 9 February 2023  
**Location:** 188 Featherby Road Gillingham  
Medway ME8 6DG  
**Proposal:** Change of use from dwellinghouse (Class C3) to residential institution (Children's Care Home) (Class C2).  
**Applicant** PCS Services Ltd  
Anderson Okporho  
**Agent** Chandran Hughes Architects Ltd  
Smrithi Vipinachandran  
16 Ardwell Avenue  
Barkingside  
Ilford  
IG6 1AW  
**Ward:** Twydall Ward  
**Case Officer:** Amanda Barnes  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th April 2023.**

**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:

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FBR-CHA-XX-DR-A-0001 - Location and Block Plan  
FBR-CHA-ZZ-DR-A-0005 - Proposed Floor Plans  
FBR-CHA-ZZ-DR-A-0006 - Proposed Floor Plans  
FBR-CHA-ZZ-DR-A-0007 - Proposed Elevations  
FBR-CHA-ZZ-DR-A-0008 - Existing and Proposed Sections

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

- 3 The number of residents cared for and residing on the premises shall not exceed 2 at any one time.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby in accordance Policy BNE2 of the Medway Local Plan 2003 and paragraph 130 of the National Planning Policy Framework 2021.

- 4 Prior to first occupation as a care home details of CCTV to be installed at the main entrance doors to monitor the movements of the occupiers shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be completed in accordance with the approved details before the building is first occupied as a care home and shall thereafter be retained.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby in accordance Policy BNE2 of the Medway Local Plan 2003 and paragraph 130 of the National Planning Policy Framework 2021.

- 5 Prior to first occupation as a care home details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied as a care home and shall thereafter be retained.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby in accordance Policy BNE2 of the Medway Local Plan 2003 and paragraph 130 of the National Planning Policy Framework 2021.

**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 the use of a single dwelling (Class C3) to a children's care home (Class C2), for two children aged between 9 and 17 years old to accommodate short-term, long-term and emergency. There are no changes to the property with regard to layout or elevations. There will be up to two staff members working in the care home on a shift basis depending on the needs of each young child/young person.

### **Relevant Planning History**

None relevant.

### **Representations**

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

**Kent Police** have advised that if this application is to be approved, they strongly request a Crime Prevention Condition be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

- Due to the proposed use of the site, we would recommend the applicant review current site security and boundary treatments. We advise boundary treatments

to be 1.8m in height with support beams facing inwards, any gates to a rear/ side access must also be securely lockable from both sides. It is essential that there is no unauthorised access to the rear of the site either via the side access route or via neighbouring premises.

- We recommend CCTV be installed at the main entrance doors to monitor the movements of the occupiers. It is also advisable that staff carry personal attack alarms and in some instances BWV cameras for safety purposes.
- For safety purposes we recommend lighting to cover entrances and the parking area to aid in natural surveillance.
- We strongly recommend external doors and windows meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note that PAS 24: 2012 as for ADQ is not suitable. Existing rear doors and windows that are not being replaced may require limiters to help maintain security. Kent Police.

If approved, site security is required for the construction phase. There is a duty for the principal contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

**No** letters of representation have been received.

## **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 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Principle*

The application property is a semi-detached two-storey property within the urban area of Gillingham, located on Featherby Road. The area consists of mainly two-storey semi-detached and terrace residential houses. The existing property is a 2-storey 3-bedroom semidetached house. The existing accommodation consists of a living room, kitchen/dining room, storeroom and W.C. on the ground floor, 2 no. bedrooms and a bathroom on the first floor, and a bedroom and storeroom in the converted loft.

Paragraph 8 of the NPPF supports strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraphs 60 and 62 of the NPPF are also relevant and seek to significantly boost the supply of homes and support the provision of housing for different groups. A care home falls within the housing need for the Council and 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. Policy CF2 of the Local Plan also supports the introduction of new community facilities subject to

amenity, access, and size while Policy H8 of the Local Plan sets out the criteria for residential institutions.

Policy H8 sets out that residential institutions and hostels will be permitted subject to the following criteria:

- (i) the proposal would not adversely affect nearby residential amenity; and
- (ii) in appropriate cases, where the occupants have a degree of mobility and independence, the property is within reasonable walking distance of shops, public transport and other facilities; and
- (iii) adequate amenity space is provided for residents.  
and
- (iv) parking is adequate for staff, visitors and service vehicles, taking into account the accessibility of public transport; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

The property, while suitable for use by a single household is for the use by up to two children (aged 9 to 17) and is not a large institution that would require more rooms. As a 3 bed property it could already be used for a family including at least 2 children. All the other criteria in policy H8 are met with the proposal. The space within the property will provide ample communal space and an office for meetings/study as well as including a rear garden area. The property is well located within the urban area in terms of proximity to local facilities and public transport. Therefore, it is considered that there will be no additional amenity impact and noise disturbance generated.

It is therefore considered that the loss of the dwelling in single household would be acceptable in principle, as it would provide alternative housing to meet the Councils housing need.

### *Design*

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area, further emphasised by paragraph 130 of the NPPF.

There are no external changes proposed to the property, with the building retained and being brought back into use. No objection is therefore raised in terms of Policy BNE1 of the Local Plan and paragraph 130 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions for the future residents of the development itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

The proposal will make provisions for a maximum of two children/ young people. There will be up to two staff members working in the care home on a shift basis depending on the needs of each young child/young person. For example, if a child/young person required a higher level of care, then the dwelling would only accommodate 1 no. child/young person, with the other bedroom being utilised by staff for overnight accommodation. If the needs assessment required a lower level of care, then the maximum no. of children/ young people accommodated would be two, with staff on Waking Nights. Therefore, the maximum number of occupants including young people and staff members at a given time would be four. By virtue of the level of occupation of the care home and there being no external alterations, there would be no detrimental impact on neighbouring amenities regarding sunlight, daylight, outlook or privacy.

Due to the care they will receive from members of staff there is not considered to be an unacceptable impact on neighbouring amenity in terms of noise and disturbance. Should a capacity of two residents be reached, it is not considered that the proposal would generate significantly more activity above what would be expected from the comings and goings of the residence being in single household occupation given the age of the residents. Conditions are recommended in line with the consultation with Kent Police to try and ensure that there will be no new issues with regard to Crime.

### Amenity of Future Occupiers

The proposal does not intend to alter the internal layout of the property and as such the development would not result in the loss of residential amenities such as daylight or outlook. There is also an external garden area to meet the needs of the propose residents. It is considered that the property is of a sufficient size to suit the requirements of this specific care home need. A condition is recommended limiting the number of residents at any one time to a maximum of two to ensure occupier and neighbouring amenity. Subject to this condition there is no objection raised to with regard to Policy BNE2 of the Local Plan or paragraph 130 of the NPPF.

### *Highways*

As there will not be an increase in occupants from the current C3 to the proposed C2, this will not be considered to generate a level of visitors to the site that would adversely impact the local highway network.

In consideration of this, no objection is raised with regards to the objectives of Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *Bird Mitigation*

In consideration of the nature of the use, whilst the site falls within the catchment area for developer request towards Wildlife Mitigation, no request has been made as no additional planning unit would result from the development. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

## **Conclusions and Reasons for Approval**

In summary, there is no objection in principle to the proposed change of use to a children's care home and the impact of the development with regard to the design, impact on amenity and highways safety is acceptable. The proposal is in accordance with Policies CF2, H8, BNE1, BNE2, BNE35, T1, T13 and S6 of the Medway Local Plan 2003 and paragraphs 8, 60, 62, 111, 126, 130, 180 and 181 of the NPPF and is recommended for approval.

The proposal would normally be determined under officers delegated powers, however Cllr Browne considers the issues are most appropriately considered by Committee rather than under delegated powers due to the fact that residents have expressed concerns to her that without a condition of 24/7 staffing that vulnerable children will be at risk and are concerned that a house facing a very busy road (with no front garden or fences) is an unsafe location.

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## **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/>