

**Tonbridge  
Castle**

**25 January 2018**

**TM/18/00173/FL**

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Proposal:	Change of use from residential dwelling to caring staff training centre
Location:	36 Dry Hill Park Road Tonbridge Kent TN10 3BU
Applicant:	Consultus Care And Nursing
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## **1. Description:**

1.1 Planning permission is sought to change the use of this site from a dwelling house (use class C3) to a centre for training carers (use class D1). The applicant's agent has provided the following information regarding the nature of the proposed use:

- A maximum of 12 carers will be trained in any one day.
- The use would operate Monday to Friday between 08.00am and 6.00pm.
- Five members of staff would be in attendance at any one time.
- Cycle storage would be provided for 6 no. bicycles within the site prior to the commencement of the use.

1.2 The applicant's business, currently based in Tonbridge, recruits carers for clients based all around the country. The applicant has confirmed that trainees would walk to the site from its existing residential properties within Dry Hill Park and Shipbourne Roads. Training staff will park within the site or in allocated bays as they already have permits to park within certain parts of the town.

1.3 The permission sought relates solely to the use of the site and it is not proposed to alter the building or the layout of the site. The submitted plans show that, at ground floor level, two training rooms would be provided together with a kitchen and break room. At first floor level, a third training room would be provided as well as two separate office rooms. A terrace is shown to be provided immediately to the rear of the building that would be used by the trainees on breaks from their training. It is not proposed that any formal training would take place outside of the building.

## **2. Reason for reporting to Committee:**

2.1 At the request of Cllr Branson in light of the significant amount of local interest generated by the proposed development.

**3. The Site:**

- 3.1 The site lies within the urban confines of Tonbridge, on the north side of Dry Hill Park Road. The site lies within the Tonbridge Conservation Area and contains a semi-detached dwelling house. The street is characterised by residential properties and schools.
- 3.2 The site benefits from an existing driveway that can accommodate up to 4 cars.

**4. Planning History (relevant):**

TM/16/02521/FL	Refuse Appeal dismissed	1 November 2016
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Change of use from C3 to D1 to provide classrooms and new staff facilities

**5. Consultees:**

- 5.1 Private Reps: (including response to site and press notices) 6 + site + press notice 0X/44R/0S. Objections received can be summarised as follows:
- The parking in the local area is seriously limited and the proposal will introduce more cars causing harm to the safe and free flow of traffic.
  - Loss of a residential dwelling.
  - The change of use would be out of keeping with the character of the locality, which is primarily residential and within a Conservation Area.
  - There are plenty of empty premises in the town centre for the proposed use.
  - There will be a smoking area in the garden adjacent to the neighbouring school.
  - The commercial use would create more noise than the existing residential use. There would be no limitation on the type of commercial activities that can happen within the site.
  - The school next door was refused permission to use the site as a learning environment, so other people also wishing to use the site for learning should also be refused.
  - The commercial use could lead to safeguarding issues with local school children as more strangers would be located within the site.
  - Permission was recently refused (and dismissed on appeal) for a D1 use of this site.

- The use of the terrace will cause noise disturbance to the adjoining residential property.
- Concern that the use could increase the risk of fire to the building and the adjoining dwelling.

## **6. Determining Issues:**

### Principle of development:

- 6.1 The site is located within the urban confines of Tonbridge. Policy CP 11 of the TMBCS states that development will be concentrated within this (and other) urban areas within the Borough.
- 6.2 There are no specific development plan policies that seek to resist the change of use of dwellings to other uses. Similarly, whilst the NPPF promotes the creation of new dwellings, it does not preclude the change of use of dwellings to alternative uses. Both the NPPF and development plan policy seek developments to make effective use of previously developed land in sustainable locations. The pre-ambles to policy CP 11 (paragraph 6.3.1) comments that development at the urban areas can minimise the need to travel, by being located close to existing services, jobs and public transport.
- 6.3 The NPPF places a great emphasis on the promotion of sustainable economic development. It states at paragraph 19:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system”*
- 6.4 As such the principle of changing the use of buildings and land within urban areas is supported by current development plan policy and national guidance.

### Residential Amenity:

- 6.5 One of the core principles of the NPPF (paragraph 17) is to secure a good standard of amenity for existing occupants of land and buildings. Policy CP1 of the TMBCS echoes this by requiring residential amenity to be preserved when determining planning applications. Policy CP24 states that development that would be detrimental to the amenity or functioning of a settlement will not be permitted.
- 6.6 Members will no doubt recall that planning permission was refused last year (and the subsequent appeal (dismissed) for the change of use of this site and the adjoining property at 36a Dry Hill Park Road to become a D1 use in connection with the adjoining Hilden Oaks School (ref. TM/16/02521/FL). That planning

application was refused permission for the following reason:

*“The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in an unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and CP24 of the Tonbridge & Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.”*

- 6.7 When dismissing the planning appeal for the previously proposed school use, a key issue that the Inspector raised was that planning conditions would not be sufficient to mitigate the harm arising from the use of the rear garden of the site as a school.
- 6.8 With this previous decision in mind, a judgement must be made as to whether or not the use now proposed is acceptable in terms of its potential impact, particularly in respect of residential amenity and whether, if any potential impacts are identified in connection with this specific use, any planning conditions could be imposed that would mitigate those impacts.
- 6.9 The scale and nature of the proposed use is substantially different to that of a primary school as previously proposed. The applicant has confirmed that only 12 trainees would be onsite at any one time, together with up to 5 members of staff. The garden itself would not be used as a venue for training but would only be used as an area for trainees and staff to take a break. This use of the garden as part of the proposed would not, therefore, cause the same level of noise disturbance as that considered unacceptable by the Inspector when dismissing the previous appeal.
- 6.10 The submitted plans show the creation of a terrace immediately to the rear of the building. This is of a modest size and, again, regard must be had to the number and nature of the users of this space. Ten adults taking a break would create far less noise disturbance than classes of primary school children playing outside. The use itself will be limited to 8am to 6pm, Mondays to Fridays (normal working hours). Therefore the times of the day when the occupiers of the neighbouring property would reasonably expect to have more peace and quiet (evenings and weekends) would not be affected by the proposed development.
- 6.11 The total number of trainees and the times of the day when this commercial use could be undertaken can be adequately controlled by conditions to ensure a particular degree of activity on site.
- 6.12 Of course it must be appreciated that the building is currently a semi-detached house with a party wall shared with an adjoining dwelling house (36a Dry Hill Park Road). On one side of this party wall is the hallway and staircase within the

application site building. On the other side are two reception rooms at ground floor level within 36a.

- 6.13 The training that will take place within the building would include lecturing to the trainees and two rooms would be laid out with a hospital bed, arm chair and hoist to demonstrate safe movement and handling of clients. None of these activities would be inherently noisy and the rooms where the training will take place do not share a boundary with the party wall in any event. Whilst the noise associated with the proposed internal use of the building would not be significant, it would not be unreasonable in the circumstances to require the installation of noise insulation along the party wall. A condition can be used to require appropriate sound insulation to be installed prior to the commencement of the use.
- 6.14 I am mindful that the proposed use as a carers training facility falls within the same use class as that of a school (Class D1). In normal circumstances it would therefore be possible for the site to be used as a school following the grant of permission for the carers training facility without needing to be the subject of a planning application. Given the recent appeal decision concerning the use of the site and the neighbouring property as school, such a situation would be unacceptable. However, planning conditions can be imposed to prevent this from occurring and this is reflected in the recommendation that follows.
- 6.15 With these considerations in mind, I am satisfied that this proposal would not cause harm to residential amenity and is therefore acceptable in this respect, subject to the imposition of planning conditions restricting the use and how it takes place within the site.

Highway safety and parking provision:

- 6.16 The applicant has confirmed that the trainees would walk to the site from the applicant's residential properties located within Dry Hill Park Road and Shipbourne Road. It is an inherent part of the applicant's existing business that carers arrive in Tonbridge, normally via public transport, stay for a short period of time in one of the two sites used for temporary accommodation (in Dry Hill Park Road or Shipbourne Road), before moving on to their final destination with their clients. The application site would be used essentially during the short stop over time between trainees arriving in Tonbridge and moving to their client's property. It is unlikely, therefore, that trainees would drive to the site given that they would be staying a short walk from the site. There is room for parking up to four cars on site, which would be used by training staff. Any additional staff parking would take place on the local roads where the applicant already has business permits to park.
- 6.17 Considering the specific nature of the applicant's business and how the site would be used in connection with that, the proposal would not generate such additional traffic in the locality as to result in a severe impact upon highway safety (the requirement set out at paragraph 32 of the NPPF). Planning conditions limiting

how the use operates as discussed earlier in this report would also effectively limit the impact of the use upon highway safety.

*Other matters and conclusions:*

- 6.18 The development does not propose to alter the existing building, front driveway or boundary walls. The use, by itself, would not alter the appearance of the site when viewed from within the Conservation Area. The use of the existing driveway to park staff cars would not be any different to the existing situation. The road would still retain its 'feel' as one of predominantly residential in nature and the proposed use would not create an overtly commercial character within the street. The proposal would therefore preserve the character and appearance of the Tonbridge Conservation Area as is required by S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.19 In summary, the principle of the proposed development is acceptable and, whilst it would be different in nature to the existing residential use of the site, this would not cause harm to the amenities of the neighbouring residents. Conditions can be used to satisfactorily control the nature and intensity of the proposed use in order to prevent any unacceptable impact.

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following details: Location Plan 18002/SP01 dated 24.01.2018, Block Plan 18002/S01 dated 24.01.2018, Existing Floor Plans 18002/S02 ground dated 24.01.2018, Existing Floor Plans 18002/S03 first dated 24.01.2018, Proposed Floor Plans 18002/PL01 ground dated 24.01.2018, Proposed Floor Plans 18002/PL02 first dated 24.01.2018, Design and Access Statement dated 24.01.2018, subject to the following conditions:

**Conditions:**

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The area shown on the submitted layout as vehicle parking space shall be kept available for such use at all times 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 the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 3 The business shall not be carried on outside the hours of 08.00 to 18.00 Mondays to Fridays with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 4 This consent shall enure only for the benefit of Consultus Care and Nursing (the applicant) and it shall not enure for the benefit of the land or any other person, persons, organisation or company for the time being having an interest therein.

Reason: To enable the Local Planning Authority to assess the impact of another user of the land in the interests of amenity.

- 5 The premises shall be used for a centre for training carers and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order to enable the Local Planning Authority to assess the impacts of alternative uses falling within the same use class upon residential amenity and highway safety.

- 6 The use shall not commence until details comprising a scheme of acoustic protection measures along the party wall with 36A Dry Hill Park Road have been submitted to and approved by the Local Planning Authority and the scheme has been fully implemented in accordance with those approved details.

Reason: In the interests of residential amenity.

- 7 At no time shall the number of people being trained within the site exceed 12 (twelve).

Reason: In the interests of residential amenity.

Contact: Matthew Broome