

**Tonbridge
Castle**

29 October 2018

TM/18/02515/FL

Proposal: Change of use from Class C2 Care Home to Suis Generis, House in Multiple Occupation, providing accommodation for 11 occupants
Location: 7 Dry Hill Park Crescent Tonbridge Kent TN10 3BJ
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1. Description:

- 1.1 Planning permission is sought for the change of use of an existing building from a Care Home to a House in Multiple Occupation (HMO), comprising 11 bedsitting rooms. The majority of the bedsitting rooms have en-suite shower rooms, with a communal dining room, lounge and kitchen to the ground floor and a further communal lounge and kitchen to the second floor.
- 1.2 For planning purposes an HMO is defined in Section 254 of the Housing Act 2004 as two or more households who share basic living accommodation.
- 1.3 The application does not involve any external alterations to the building and the internal alterations are to be cosmetic only. The bedsitting rooms utilise the existing bedrooms of the former Care Home.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson owing to concerns regarding residential amenity and highway safety issues.

3. The Site:

- 3.1 The site lies within the confines of Tonbridge, within a Conservation Area. Dry Hill Park Crescent links Dry Hill Road in the south with Dry Hill Park Road in the north. The area is predominantly residential and characterised by red brick Victorian style buildings.
- 3.2 Dry Hill Park Crescent comprises of residential family dwellings, and boarding houses and staff accommodation associated with Tonbridge School.
- 3.3 The existing building is a former residential dwelling. The building is a three storey attractive red brick Victorian villa with a 1990s extension. There is an area of curtilage parking at the front of the building and a garden to the rear.

4. Planning History (relevant):

TM/69/10132/OLD grant with conditions 31 July 1969

Conversion of lodging accommodation for elderly people.

TM/69/10257/OLD grant with conditions 19 June 1969

Change of use to lodging accommodation for old people.

TM/94/01197/FL grant with conditions 20 May 1994

Erection of extensions to provide bedroom and living accommodation together with en-suite shower room provision to bedrooms

TM/95/50988/TNCA Grant With Conditions 31 August 1995

reduce and shape canopy of Hawthorn tree in front garden and remove self-sown Lime tree against northern wall of property

TM/07/00533/CA Approved 30 March 2007

Conservation Area Consent: Demolition of part of existing wall at back of footpath to create three additional off-road parking spaces and disabled entrance ramp

TM/07/00534/FL Approved 30 March 2007

Demolition of part of existing wall at back of footpath to create additional three off-road parking spaces and disabled entrance ramp

TM/10/01032/AT Refuse 15 June 2010

Advertisement board, rear wall of frontage

TM/16/00607/AT Approved 18 April 2016

Solid oak sign mounted on two oak posts

5. Consultees:

- 5.1 KCC (H+T): The issue from a highway authority perspective is whether, in the context of paragraph 109 of the NPPF, the proposal represents a severe impact on the road network or an unacceptable, tangible impact on highway safety. It is also considered that the level of car parking available will have an impact on the attractiveness of lets to prospective tenants in relation to their transport needs.

I write to confirm on behalf of this authority that it is not considered that the proposal will have a severe impact on the road network or a discernible detriment to highway safety. I can confirm from a study of www.crashmap.co.uk that there

have been no personal injury crashes on Dry Hill Park Crescent for at least the last 19 years. The majority of properties in the area appear to have their own private driveways/off-street parking and any additional on street parking occurring from this proposal may at times give rise to some local inconvenience. It is not considered however that this constitutes a sustainable highway or transport reason for refusal.

In terms of highway related conditions, it is my understanding that there are no particular works to be undertaken and the usual conditions relating to construction and use of the highway are not therefore relevant. I would consider that it would be helpful, should this application be approved, if the applicant were required to install secure cycle parking facilities prior to occupation; there appears to be room for some Sheffield type stands at the front or maybe covered storage in the rear garden.

5.2 Private Reps: 15 + site and press notice/0X/38R/0S: 38 objections for the following (summarised) reasons:

- Over 300 students and 100 staff members are accommodated in properties close to the application site. There is concern over the lack of clarity regarding the intended occupants and the impact on the safeguarding and welfare of students.
[DPHEH – this is not a material planning consideration]
- Dry Hill Park Crescent is already busy and congested with inadequate parking. This will be increased with 11 additional residents. Parking is already a major issue in the area. Safety risk to children.
- The KCC database is not accurate. A fatal accident occurred in December 2013. Two series unrelated accidents occurred on 18.11.18 on Dry Hill Park Crescent. A recommendation just based on a search does not address the concerns of residents which should not be brushed aside.
- Overintensive use of the site causing harm to nearby residential amenity owing to increased levels of activity leading to noise and disturbance thereby contrary to CP1, CP24 and SQ1. No planning conditions could be impose to mitigate the identified harm. The increase in use in excess of 24 residents is a more intensive use than the previous use as an old people's home or a traditional family house.
- Adverse impact on residential amenity of neighbouring dwelling as the existing kitchen is glazed and to the rear and there are no measures to reduce light, odour or noise pollution.
- The impact on the character of the property and surrounding area is inconsistent with the predominant family and school and school boarding houses. May set a precedent for other large buildings in the Dry Hill area.

- The residential curtilage is not sufficient to accommodate refuse and recycling storage with causing visual harm or harm to residential amenity.

6. Determining Issues:

Principle of development:

6.1 The development plan is the starting point for determining all planning applications, (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006), and this is reiterated in paragraph 12 of the NPPF. Development plan policy CP11 of the TMBCS seeks to ensure that development is concentrated within the confines of the urban area in order to accord with the principles of sustainability set out in policies CP1 and CP2. This is broadly in accordance with the policies contained within the NPPF which requires that the most efficient use of land in urban areas such as this be made. In the absence of a five year supply of housing, the presumption in favour of sustainable development contained within paragraph 11 of the NPPF falls to be applied. Paragraph 11(d) of the NPPF states that

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2 The site lies within a designated heritage asset (CA). Footnote 6 of paragraph 11 of the NPPF identifies such areas as being of particular importance. Firstly, it is therefore necessary to assess whether there is a clear reason to refuse development owing to its impact on the CA, and secondly to determine whether the development would result in any significant and demonstrable adverse impacts which would outweigh the benefits of the proposal.

6.3 Members will be aware that the Council has now submitted its Local Plan for examination by the Secretary of State. The policies contained within the plan at this time (pending examination) carry only limited weight. In any event, there are no policies contained within the Plan that seek to resist development of this nature.

Character and appearance of the Conservation Area

6.4 The site lies within a CA. It is therefore necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of this area –

particularly the views in and out of the CA, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 6.5 In this regard the application must also be determined in accordance with paragraph 192 of the NPPF. This paragraph states that in determining planning applications local planning authorities should take account of the need to sustain and enhance the significance of heritage assets and understand the positive contribution they make, and recognise the need for new development to make a positive contribution to local character and distinctiveness.
- 6.6 The proposal does not seek to make any external alterations to the building and therefore will not make any direct impact on the character of the building or its wider setting in terms of built form. I am aware that the application does not provide details of the proposed refuse storage and collection arrangements. However the site is of sufficient size to accommodate such storage and details can be agreed by planning condition. Although it will be necessary to ensure the storage area is to the rear to avoid impact on the street scene but not sited so as to cause an unacceptable nuisance to nearby residents.
- 6.7 The proposal will therefore not result in any harmful impact on the designated heritage asset (CA). Accordingly, in this regard, the presumption in favour of sustainable development falls to be applied and permission should be granted unless there are significant and demonstrable adverse impacts arising from doing so.

Impact on residential amenity:

- 6.8 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area. This aim is echoed in paragraph 127 of the NPPF which seeks to ensure that development will function well, add to the overall quality of the area, be sympathetic of local character, and create attractive and welcoming places in which to live, work and visit.
- 6.9 The proposal seeks to reuse the existing bedrooms without making any alterations to the existing window arrangements. The proposal will not therefore alter the existing relationship between the building and the adjacent residential dwellings. Similarly the use of the communal areas – kitchens and lounges will not alter and therefore having already served the residents to the former Case Home will not result in any additional impact on the privacy and general residential amenity of the adjacent dwellings.
- 6.10 Concern has been raised regarding the impact of the increased activity on levels of adjacent residential amenity - in terms of an increase in general comings and

goings. However it must be noted that the proposal does not seek to make any physical alterations to the building. The bedrooms that previously accommodated residents of the care home will now accommodate individuals. I am aware that the levels of movement of the former residents were likely to have been limited, however the former use of the building would have generated levels of movement associated with the comings and goings of staff members and visitors. On this basis the proposed change of use will not result in a level of increased activity that would result in unacceptable harm to the residential amenity of nearby dwellings or the wider area.

- 6.11 The absence of any alterations to the existing building, particularly the window arrangements will ensure no direct impact would be made on the residential amenity of the nearby dwellings. The site is of a sufficient size to accommodate the introduction of any refuse storage buildings or other necessary domestic paraphernalia without resulting in an adverse impact on the street scene or wider CA. The potential increase in general disturbance associated with the proposal will not significantly increase when considering the former use of the site and its setting within an area currently used for residential and boarding accommodation.

Highway safety and parking provision:

- 6.12 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety, and paragraph 109 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe.
- 6.13 The site is located within the confines of the urban settlement, within walking distance of services and shops and close of public transport links. The proposal includes the retention of the existing curtilage parking area which would be capable of providing 2 parking spaces. Representation made by KCC (H+T) concludes that it is not considered that the proposal will have a severe impact on the road network or a discernible detriment to highway safety.
- 6.14 I am aware of the concerns of local residents regarding existing levels of congestion and limited on-street parking. However considerable weight must be given to the location of the site close to Tonbridge town centre with its associated transport infrastructure and services. Consequently the proposal would not be unacceptable in terms of parking provision or more general highway safety grounds, particularly when considering the requirements set out in paragraph 109 of the NPPF which makes it very clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There are, therefore, no justifiable grounds to refuse planning permission on grounds of lack of parking or highway safety.
- 6.15 KCC (H+T) recommends that cycle storage is provided at the site. The site is of sufficient size to ensure that such store could be accommodated without causing

harm to visual or residential amenity subject to appropriate siting and design, and this can be ensured by planning condition.

Conclusions:

- 6.16 The proposed development is within the confines of the urban area and accords with development plan policy CP11, and the principles of sustainability set out in policies CP1 and CP2. The proposed development will increase the supply of housing and therefore accords with the NPPF which, in all respects seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities.
- 6.17 In the absence of a five year housing supply the proposal has been assessed with regard to paragraph 11 of the NPPF. This requires the application of a presumption in favour of sustainable development and requires development proposals to be granted unless the application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. It has been concluded that there is no clear reason to refuse planning permission based on the impact of the proposal on the heritage asset (CA). It has also been concluded that the proposal will not result in any significant or demonstrable adverse impacts and therefore the presumption in favour of sustainable development applies. On this basis I therefore recommend that, subject to the imposition of relevant planning conditions, planning permission is granted.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 29.10.2018, Site Plan BENTALL/E/01 existing dated 22.10.2018, Existing Floor Plans BENTALL/E/02 A first floor dated 05.12.2018, Existing Floor Plans BENTALL/E/02 A site/ground dated 05.12.2018, Existing Floor Plans BENTALL/E/03 B second floor dated 05.12.2018, 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 existing curtilage vehicle parking to the front of the building shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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: To ensure the retention of the existing curtilage parking area in order to reduce potential on-street parking.

- 3 The building shall not be occupied until full siting and elevational details of refuse storage arrangements and cycle storage and parking have been submitted to and approved by the Local Planning Authority. The approved schemes shall be implemented prior to occupation and kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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 refuse storage and cycle parking.

Reason: Reason: To facilitate the collection of refuse and promote cycling as part of a healthy active lifestyle choice.

Informatives

- 1 The proposal will require licensing under Part 2 of the Housing Act 2004. Please contact the TMBC Private Sector Housing team on 01732 876395 or at privatesectorhousing@tmbc.gov.uk for further information and advice regarding mandatory HMO licensing.

Contact: Maria Brown