

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0771.24

WARD: Gooshays **Date Received:** 30th May 2024

ADDRESS: 95 Dorking Road
Romford

PROPOSAL: Change of use of a single dwelling house (Use Class C3) to a small care home (Use Class C2)

DRAWING NO(S): Site Location Plan
01 Rev A
02 Rev A

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The site is a two storey mid-terraced property located on the northern side of Dorking Road in Romford.

The property is an extended 4-bedroom dwelling, with a garden room and garden amenity space located to the rear.

There appear to be an unrestricted on-street car parking and the surrounding area is generally residential with a variety of dwelling types and sizes.

The application site is not located within a conservation area or located within the curtilage of a listed building.

DESCRIPTION OF PROPOSAL

Consent is sought for the change of use of a single dwelling house (Use Class C3) to a small care home (Use Class C2) for the care of Children aged between 1 and 17. The supporting statements states:

- 1.The proposed residents residents aged 10 -17 years old.
- 2.Staff - 2 covering a 12 hour day shift and 2 carers covering the night shift and a manager covering an 8 hour shift across 5 days a week. There will rarely be more than 3 staff on site at any one time.
- 3.The home would give support that would prepare them for life after leaving the home. Care to be given according the children's care needs.
- 4.Encourage children to develop their social skills and maintain existing practical skills and learning

new skills

5. Plan to meet young person's physical, personal, social, psychological/emotional, behavioural, cultural, spiritual, communication and health care needs.

6. To promote the active and positive presence of young people within their local community.

7. All staff will must be vetted prior to recruitment

Proposed Plans:

Ground floor: 2 receptions, kitchen and a WC

First floor: 3b4p with bathroom

Second floor: storage

RELEVANT HISTORY

D0224.22 Certificate of Lawfulness for change of use from use class C3 (Residential) to use class C3 (b) (Residential Care) - Approved 24-06-22.

CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted. Six individual letters of objection including a signed petition of 20 signatures (names not indicated with the signatures) were received, the comments made are summarised below:

Proposed use is inappropriate in the area

Impact on selling neighbouring properties/devaluation of surrounding properties

Traffic/parking

Impact of the existing Sheltered Housing Scheme at Cole Court

Rear extension added to the property, this was omitted from the plans

Comings and goings

Business in residential area, the property is a mid-terraced property

Consultation not wide enough

No soundproof

Issue with the shared alley

Commercial alarm installation

Smell of cannabis from the premises

Use not clearly spelt out

(OFFICER COMMENTS:) Where material the above will be considered by officers.

In addition the following comments are received from other stakeholders:

LBH Waste/Recycling - No objection

LBH Public Protection - Concerns raised over ambiguity of use and potential noise disturbance. Condition recommended.

Designing Out Crime Officer - SBD condition recommended

OFFICER RESPONSE: In regards to the above in the event of approval even though of limited scale, an SBD condition could be imposed.

RELEVANT POLICIES

Havering Local Plan 2016-2031 - Policies 6 (Specialist Accommodation), 16 (Social Infrastructure), 23 (Transport connections), 24 (Parking provision and design, 26 (Urban Design) and 34 (Managing pollution).

London Plan 2021: Policies H9 (Ensuring the best use of stock), D1 (London's form, character and capacity for growth), D4 (Delivering good design), D6 (Housing quality and standards), D11 (Safety, security and resilience to emergency), T5 (Cycling), T6 (Car parking), T6.1 (Residential parking), S1 (Developing London's social infrastructure), S2 (S2 Health and social care facilities) of the London Plan 2021 are relevant.

The National Planning Policy Framework 2023.

MAYORAL CIL IMPLICATIONS

There is no requirement under the CIL regulations for any contribution.

STAFF COMMENTS

A Certificate of Lawfulness, reference D0224.22 Certificate of Lawfulness for change of use from use class C3 (Residential) to use class C3 (b) (Residential Care) - Approved 24-06-22. The approved use for :

- 1) No more than three (3) children receiving care by one (1) permanent carer living with the children.
- 2) The children receiving support and care are aged from 10 to 18 years of age.

Total number of residents - 4

It is not clear whether the approved use has been implemented or not as no reference was made to it by the applicant/agent.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were provided by the applicant in support of the application. In determining this planning application, photos, Google Street View™, aerial view images and submitted drawings were used to assess the site constraints.

The main issues in this case are the principle of development, density/site layout, design/impact on streetscene, impact on amenity and highway/parking issues.

PRINCIPLE OF DEVELOPMENT

Class C2 as defined by the Use Classes Order 1987 (as amended) is the use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses). Use as a hospital or nursing home, use as a residential school, college or training centre. It is the first limb of Class C2 that is relevant: "Use for the provision of residential accommodation and care to people". The use of the word "and" means the provision of "residential accommodation" and "care" are conjunctive. It is not sufficient for a use to fall within this class that it involves the provision of "residential accommodation" only.

The definition of "Care" in Article 2 to the UCO is that "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment". The Use Class Order does not specify what "care" comprises, how it is delivered or by whom it is delivered. There is no pre-requisite that the staff delivering care are nurses or support/social workers for example or that the care is delivered by permanent staff, as opposed to agency staff.

Policy H12, the London Plan supports the delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for. Policy 6 of the Havering Local Plan 2016-2031 requires consideration of the following when assessing Specialist Accommodation:

The provision of appropriate housing to meet the specialist needs of local people will be supported where it can be robustly demonstrated that:

- i. There is an identified need within the borough;
- ii. The site has access to essential services and shops by walking and cycling;
- iii. The site is well served by public transport;
- iv. The proposal contributes to a mixed, balanced and inclusive community;
- v. The site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care;
- vi. An appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook;
- vii. Consideration has been given to all possible future needs and the development can be easily adapted to meet the needs of future occupants;
- viii. The proposal does not have any adverse impacts on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties;
- ix. The proposal meets the parking requirements set out in Policy 24 and it will not have an unacceptable impact on parking conditions and traffic congestion in the area; and
- x. Adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters.

The proposed use would essentially be a residential use, albeit one that would be supported by staff and possibly carers. It is considered that it would provide an important service within the community and thereby contribute to providing a mixed, balanced and inclusive community within the area. In addition, having regard to the above, it was also indicated that the proposed use could be concluded to provide an essential facility necessary to meet the specific needs of a part of the community in the borough. Officers do not consider that there is any conflict with Policy 6(i).

The nearest shops/services would be approx 10 minutes walk from the property, which is not on balance considered to be unacceptable, although the PTAL rating is 2 which is low, however, given that the road is a bus route, would comply with Policy 6(ii) and Policy 6, section (iii). However, as indicated by almost all the objectors, parking issue would be exacerbated if the proposal is approved, and given the PTAL rating, the use of private car would be high at the location.

The proposals would, by nature of the use sought, contribute to mixed, balanced and inclusive community 6(iv).

Section (v) of Policy 6 requires that the site is suitable for the needs of intended occupants. To that end all indicated bedrooms would exceed the required standard bedroom sizes to comply with section (v) of policy 6, however, given the misrepresentation of plans submitted, it is not clear the use of the other parts of the house not indicated on the submitted plans - the existing rear extension and the loft space. Given the inaccurate representation of the existing situation of site, it has not been possible to adequately assess the suitability of the proposals and would therefore be considered the use to be unacceptable.

Having regard to sections vi and vii there is not material conflict as such, provided the level of occupancy is as proposed. The property is an older house, it is reasonable to conclude that one of the reception rooms downstairs would be capable of being repurposed, if for example, a child with specific care needs required it.

Nevertheless officers consider that there would be conflict with Havering Local Plan 2016-2031 Policy 6, (v) as it would not be able to confirm the suitability for the needs of intended occupants given the misrepresentation of plans.

Having regard to the other criteria, namely the impacts on local character and amenity, parking requirements and visitor/carer facilities these other matters will be considered in the following sections of this report.

DENSITY/SITE LAYOUT

Key requirements of Policy 6 of the Havering Local Plan 2016-2031 are that the proposed building/site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care. It also requires that an appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook.

The proposals under consideration are not suggestive of any internal changes. However, this would be considered to be questionable, given the layout of the existing and proposed plans under planning ref: D0224.22. It would appear that there has been changes to the internal layout and a single storey rear extension added. The applicant makes reference to the staff and a manager with no office indicated, and also a night staff with no bedroom allocated. It is assumed that the loft room not indicated on plan could be the staff bedroom and possibly one of the reception rooms could be converted. It is not envisaged that this would be an unacceptable arrangement. There are no changes proposed which would prevent the dwelling from returning to its former use at a later date if no longer required.

There is nothing inherent within the proposed layout or wider site including garden area which would weigh against the proposals in terms of the facilities offered, however as mentioned in the preceding section of this report the misrepresentation of plans would not allow appropriate assessment of the proposals in terms of the level of occupancy, activities and the available facilities. Therefore there would be conflict with Havering Local Plan 2016-2031 Policy 6.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the proposal would not adversely impact on the streetscene, as there are no external changes to the building. Even the existing rear extension to the property (not indicated on plan) would not be considered to adversely impact on the rear gardenscene, given the scale.

However having regard to the levels of comings and goings through staff rotation, visitors, medical personnel and lack of information over length of occupancy of occupants, including emergency placements or overnight use, the disability or care of the children and misrepresentation of plans might be regarded as conspicuous and which might be materially harmful to the residential character of the area i.e distinguishable from any other use of the property. The limited information provided by the applicant lends weight to this assertion.

IMPACT ON AMENITY

A requirement of Policy 6 of the Havering Local Plan 2016-2031 is that the proposed use must not have any unacceptable adverse impacts on the surrounding area and not give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties.

Care-related/specialist accommodation can run smoothly with no significant impacts on residential amenity if appropriately managed. Generally, residential areas are the most appropriate places for these types of use as they tend to exhibit little in the way of outward signs of use and occupants are able to live within the community. This is recognised to be an important part of their overall objective and to also align with policy objectives of building mixed and balanced communities. It is accepted that some care uses by contrast may well bring long-term harm and significant amenity concerns for adjoining/neighbouring residents as a result of the intensity of the use. This is not solely due to poor management as oftentimes is simply through the scale of the use and number of occupants. Contributing to this are complex care needs and associated levels of activity through comings and goings.

A key consideration is whether the level of activity associated with a proposed use could be regarded as an intensification over and above that of the existing use or any other not requiring permission and how this might compare. To that end, the use is seeking to accommodate up to three young persons from 10 to 17. The way in which the property would operate has not been described fully, there is little in the way of day-to-day operations, indication of length of placement etc.

A use that involved a high turnover and short placements would not be suitable in this location. The cul-de-sac is observed to be quiet and this is reflected in concerns raised by residents. With three children present who may have visitors and other specialists potentially attending the property, in the absence of any evidence otherwise there is potential for this activity to be distinguishable from

its former use as a single dwelling house. Contributing to this would be the level of staffing and number and frequency of staff attending as described by the applicant. A dwelling of this size might accommodate a number of adults and children - for example it could be used by a multi-generational family which might make provision for an equivalent or greater number of adults and children. However the applicant has not demonstrated clearly how the proposed use and the level of care provided would be comparable to, or lesser than this or the previously approved.

Officers have given consideration to whether conditions might be imposed which would enable the application to proceed successfully, for example through the use of a management plan which would extend to how the premises might be staffed, how visits would be reduced or managed to prevent nuisance as well as a condition preventing emergency/overnight placements. However these conditions may well restrict the use from operating unduly particularly as the business model is not clear. It is not clear the use of the additional rear extension and the loft room not indicated on plan with no section plan to confirm the floor to ceiling height of the bedroom, placing restriction on plans not presented for assessment might not work.

The Council's environmental health team have raised concerns with regard to inadequate details regarding the level of care or the disability of the children, therefore noise impact might be a concern.

The applicant has not demonstrated that this model of care translates to this particular property and its constraints and in the opinion of officers there would be conflict with Havering Local Plan 2016-2031 Policy 6.

HIGHWAY/PARKING

Policy 6 of the Havering Local Plan requires that the site is well served by public transport, that the parking requirements set out in London Plan Policy T6 are met and that there would not be any unacceptable impact on parking conditions and traffic congestion in the area. It requires also that adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters. There is no parking standard as such within the Council's Local Plan, with Local Policy requiring assessments to be made for uses such as this to be made on an individual basis using a transport assessment. The London Plan policy T5 would require 2 car parking spaces based on the scale of proposals.

No off street car parking on site. No satisfactory parking provision alternative has been provided by the applicant to help demonstrate that the site would be suitable for a use as proposed and that vehicle movement to and from the site could be managed/accommodated by on-street provision on surrounding roads - for example through a parking-stress survey. Therefore, to evidence has been submitted to demonstrate that any increased demand could be accommodated within the cul-de-sac or surrounding roads. The proposals are not assisted by the ambiguity over layout, occupants, length of placement and specifics on staffing and visitors/visiting professionals. The exact nature and scale of the use would need to be presented by the applicant in order for an informed decision to be made.

The site has a PTAL of 2 which translates to poor access to public transport. The proposed use and nature of the use does not lend itself to occupants owning vehicles based on their age however it is

reasonable to conclude that staff and other visitors/visiting professionals would need more than likely attend by private vehicle. The exact level of trip generation provided is questionable and no detailed plan has been provided showing how parking would be provided. Officers have had regard to a condition requiring a travel plan, in order that staff movement to the site by vehicle might be reduced but it is unclear whether this would unduly restrict the business or place unreasonable restrictions on it.

It is reasonable to assert that staff might car-share as stated in the supporting statement, but given the staggered shift arrangement suggested in the statement, which is somewhat ambiguous this could inevitably lead to crossovers. Furthermore the exact care requirements and frequency of visits by other professionals/family members is not clear. In the absence of any compelling evidence otherwise the proposals would fail to make adequate provision for off-street parking and have not demonstrated that the surrounding area is capable of accommodating increased demand for on-street parking without detriment to the amenity of surrounding occupants through competition for limited spaces.

Furthermore it has not been demonstrated that proposed use would not lead to increased comings and goings to the site over and above that of a single dwelling house and that an adequate degree of visitor and carer parking facilities would be provided. Therefore as a consequence this would result in an adverse impact on the safety and convenience of the local highway network, through exacerbating pedestrian-vehicular conflict along pavements and traffic congestion within the area. Thus, the proposal is considered unacceptable, and would not be in accordance with Policies 6 & 24 of the HLP 2021, Policy T6 of the London Plan, and to the objectives of the NPPF 2023.

OTHER ISSUES

Given the limited information regarding the users, the scale of the use, and the property typology with no soundproofing details, the provision of an SBD/environmental conditions would be reasonable, and there might be justification for additional sound-proofing if minded to approve.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations REFUSAL is recommended accordingly.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Refusal non standard

The level of prospective occupancy and scale and nature of the use proposed would materially change the character of the subject property and the surrounding environment. This would present in increased comings and goings to the site which would be over and above what could be regarded as acceptable and which would be detrimental to local character and the amenity of adjoining and nearby occupiers contrary to Policies 6, 7 and 34 of the Havering Local Plan, Policies H12, S1 and S2 of the London Plan and the objectives of the National

Planning Policy Framework 2023.

2 Reason for refusal - Parking Deficiency

The applicant has not demonstrated that proposed use would not lead to increased comings and goings to the site over and above that of a single dwelling house and that an adequate degree of visitor and carer parking facilities would be provided. Therefore as a consequence this would result in an adverse impact on the safety and convenience of the local highway network through exacerbating pedestrian-vehicular conflict along pavements and traffic congestion within the area. As such there would be conflict with Policy 6 of the Havering Local Plan 2016-2031, Policy T6 of the London Plan as well as the objectives of the NPPF 2023.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

Authorising Officer:



Neil Goate

9th August 2024