

Committee	PLANNING COMMITTEE – LEWISHAM DEPTFORD		Item No. 2
Report Title	ARNON OAK, 167 MALHAM ROAD SE23		
Ward	Crofton Park		
Contributors	Susan Wright		
Class	PART 1	Date	6 MARCH 2003

Reg. Nos. DC/02/52880 as amended & DC/02/52880A

Application dated 9.12.02 amended by e-mail 3.2.03 and revised 5.12.02

Applicant Parkman Property Management Ltd on behalf of Lewisham Housing Homelessness Group

Proposal The change of use from an old people's home to a homeless persons' hostel.

Applicant's Plan Nos. 3000106/U/003/B/B, 004/A, 004/B/B & oph\arnon oak 2001

Background Papers

- (1) Case File LE/642/C/TP
- (2) Adopted Unitary Development Plan
- (3) Revised Deposit Draft UDP

Zoning Adopted UDP - Existing Use
Revised UDP - Existing Use

CONSULTATIONS AND REPLIES

Neighbours & Local Amenity Societies etc

Ewart Road Housing Co-operative
Dalmain Primary School, 27, 29 Brockley Rise
88-100, 110-128, 77-165 Malham Road
179, F1-7 181-183, 185, F1-3 187, 189-191, 191A, 193, 195 & A Stanstead Road

Notice on Site and Press Notice

Dalmain Primary School - Irrespective of the use of the premises, the boundary between the building and the school playground should consist of a brick wall of at least the same height as the existing wall, and to match the existing. No windows should have sightlines into the playground area over the wall. The appearance of any external window coverings must not be ugly or cage-like. Vehicular access should be removed from the entrance onto Malham Road - parents are concerned about the increase in traffic on that road, and the open area space at the entrance, which they fear will encourage loitering with associated problems. They also request that the boundary wall between Dalmain School and Arnon Oak is moved nearer to Arnon Oak and the playground is reinforced to allow fire engine access from the playground.

Finally, they advise that Dalmain is an excellent and still improving school, and that they have been working hard to show its benefits to local residents. They therefore ask that due consideration be given to the vulnerability of the children not only while at, but on their way to and from the school.

(A number of these comments are related to negotiations between Regeneration and Education and Culture to allow the school to include part of the Arnon Oak site within their boundary - this does not, however, form part of the current application).

52 identical letters of objection from local residents have been received and one petition with 27 signatures. The concerns expressed are as follows:-

- (1) Description as being for general needs is not specific enough to define the amount of persons who might be located there or the number of people.
- (2) If it becomes a drug rehabilitation centre or drug addicts reside there it could severely impact on the local community, especially with the school being located so nearby.
- (3) Crime might increase if it becomes a centre for wayward children who have left care and their families.
- (4) The centre will not be supervised in the hours when most petty crime is committed.
- (5) Vandalism will be likely to increase if it becomes a young offenders rehabilitation centre for wayward adults, the mentally ill, drug addicts, alcoholics and asylum seekers.
- (6) If it becomes a centre for asylum seekers, street begging may increase and an impact on resources at doctors' surgeries.

The occupiers of Flat 2, 1-3 Brockley Rise and the occupier of 94 Malham Road have also expressed concern that consultation letters were not sent further afield.

The occupier of 128 Malham Road has expressed a specific concern in relation to the fact that his property directly adjoins the communal amenity area and he has concerns about security and about the movement of a large number of people coming and going and using the amenity area to socialise without supervision. He is also concerned about increased traffic movements, noise and unsociable behaviour, as well as devaluation to his property. The adjoining neighbours at 122, 124 and 126 Malham Road have signed to endorse these views.

The occupiers of 52 Winn Road SE12 consider that the use is totally unacceptable and would bring a loss of security and safety to local residents. There is a school nearby and drug addicts and mentally ill people would pose a serious risk to the welfare and safety of the children attending and residents in general.

(All letters and petitions are available to Members)

Local meeting

A local meeting was held on 30 January 2003 at 7:30pm in the dining room at Arnon Oak, 167 Malham Road SE23 chaired by Councillor Sylvia Scott. Also present were Councillor Jackie Addison, Councillor Gurbakhsh Garcha and Susan Wright - Development Control Team Leader (South). The applicants were represented by Russell Hudson - Head of Supported Housing, Morna London and Nick Sullivan, also from Supported Housing.

38 local residents and 3 representatives of Dalmain Primary School signed the attendance sheet. After explanations of the proposals by Russell Hudson and Morna London, the floor was given over to local residents to raise concerns and ask questions.

The main issues raised and views expressed by local residents were as follows:-

- (1) The consultation letters were not distributed widely enough - the application will affect people much further afield.
- (2) The cost of the scheme was queried as well as why the money wasn't being used to refurbish the old people's home.
- (3) The main entrance should not be from Malham Road.
- (4) There is deep concern about the lack of information on the nature and numbers of people to be housed there, particularly given the proximity to the school. How can Housing guarantee that there will be no one with drugs problem, paedophiles etc., particularly given the lack of knowledge about homeless people's backgrounds? Won't it be full of people evicted for causing problems elsewhere? Doesn't the concern expressed by the school about overlooking show that they are concerned about the nature of the occupants?
- (5) Better boundary treatment is needed for the houses adjoining the site as the use will impact upon privacy and will create additional noise and disturbance. Particular concern was expressed by the resident of 128 Malham Road as his side garden boundary abuts the site, and is an open slatted fence. Does Housing intend to provide new boundary treatment?
- (6) How many single people will there be? There are already too many unemployed youths wandering the local streets at night with nothing to do.
- (7) Parking is already a problem in Malham Road as well as lorries using the site entrance as a turning head.
- (8) The adjoining alleyway will not be safe to walk through anymore, and there will be an increase in crime and in house insurance premiums.
- (9) There is already too high a concentration of special needs uses in the area. The Headteacher from Dalmain Primary School reiterated the concerns set out in her letter (see above), but was also concerned about the existing high number of transient children in the area and the impact on the school, and doesn't want it to become a sink school.
- (10) The impact of the use cannot be assessed until it is in operation and then it will be too late. If particular occupants caused noise and disturbance or exhibited anti-social behaviour, how would they be dealt with?
- (11) Why can't the building be brought back into use as an old people's home/be used as an old people's day centre?
- (12) One local resident has expressed concern after the meeting that the meeting was not officially minuted.

Highways & Transportation

No objections subject to parking facilities remaining available on site.

Environmental Health

The adequacy of the fire alarm system should be re-assessed and upgraded appropriately. Heat detectors should be installed in the kitchens. There should be an adequate ratio of bathroom facilities to the number of residents and there should be accessible washing facilities in relation to w.c.'s. Provision should be made for storage of pushchairs, prams and bicycles so that they do not have to be carried up and down stairs.

Education & Culture

No objection to the change of use to a homeless persons' hostel. However, the school's concern is shared that there should be careful vetting of the occupants to ensure children are not put at risk. The boundary wall is currently high enough to obstruct views of the playground, but the school is concerned about windows overlooking the boundary if a parcel of land on the northern boundary is transferred to them, as agreed by the Executive Committee. They intend to ensure that that any new boundary fence offers the same amount of privacy as at present. A planning application for a change of use of the land will be made shortly.

Access Officer

No comment.

OBSERVATIONS

Property/Site Description

Arnon Oak is a vacant old people's home at the eastern end of Malham Road, at the end of the cul-de-sac. It comprises 60 bedrooms arranged in two main blocks around internal courtyards, connected by a corridor block. It is surrounded by communal amenity space. Vehicular and pedestrian access is from Malham Road. The access road leads round the back of the northernmost block to garaging.

A high brick wall demarcates the northern boundary of the site with netting above, separating the site from Dalmain Primary School. In the north-west corner, the site adjoins an alleyway giving access to flats at the end of Malham Road, but also linking through to Grove Close. To the south and south-west are residential properties with gardens abutting the site boundary. To the west is Dr Barnado's children's home and a related administrative office block, separated from Arnon Oak by close-boarded fencing.

Planning History

Planning permission was granted for the erection of Arnon Oak old people's home and the severing of Malham Road from Brockley Rise in 1974.

A parcel of the original grounds of the old people's home, on the eastern boundary abutting Brockley Rise (which provided pedestrian access directly to Brockley Rise and formed part of the communal grounds) was given outline planning permission for the construction of a children's home and an administrative office block in 1997. Reserved matters were subsequently approved in late 1997 and the buildings have been constructed.

Present Application

The application is to change the use of Arnon Oak from an old people's home to a homeless persons' hostel. The original description was for a general needs hostel but the description has been revised to provide greater clarity about the intended use.

An accompanying statement from Lewisham Council's Homelessness Group advises that the accommodation is required to allow the Council to continue to discharge its legal duties towards statutorily homeless households without having to resort to the use of bed and breakfast accommodation.

The intended residents would be small families or single people who are considered to be vulnerable e.g. due to their age (over 60 or under 18) or disability. The existing layout of the old people's home is proposed to be re-configured to provide some additional kitchen accommodation to allow families to have their own facilities and some additional bathrooms are also proposed.

The originally submitted layout has been revised in response to concerns expressed at the local meeting about the percentage of single person accommodation, to provide more family units. 31 units would be provided with 17 x 1-bed, 6 x 2-bed, 5 x 3-bed, 2 x 4-bed and 1 x 4-6 bed. The number of occupants, including both children and adults, would be a maximum of 58.

It is intended that staff will be based at the hostel on weekdays between 9-5, and that after hours, there would be an emergency service where residents or neighbours can telephone and speak with a member of hostel staff.

Negotiations are taking place between Regeneration and Education & Culture in connection with Dalmain Primary School's wish to expropriate a parcel of the northern part of the site. However, this is not included in the description on the application form and would therefore need to be the subject of a further application.

Policy Context

Relevant planning policies within the adopted Unitary Development Plan are policies HSG 34 and HSG 35 relating to hostels and housing with an element of care. These policies require that proposals should not adversely affect the character and appearance of the area, welcomes applications from recognised organisations for hostels for groups with special needs including vulnerable local people with a local connection, and advises that the Council will be concerned to ensure that such schemes do not lead to an over concentration of too many projects for special residential uses within an established residential area.

Policy HSG 14 Special Needs Housing in the Revised Deposit Draft Unitary Development Plan reiterates these policies.

Planning Considerations

The key considerations in relation to this application are whether it would have an adverse impact on the residential amenities of adjoining residential properties and on the character of the area.

Nature of the Use

One of the key concerns expressed by local residents in their letters and at the local meeting was who the hostel would be used for, and the potential for anti-social behaviour, as the description of the proposal was a 'general needs' hostel. Fears have been expressed that it would be used as a drug rehabilitation centre, for alcoholics or the mentally ill, or that there would be a high percentage of young single people in an area where teenagers loitering at night is already a problem. The applicants have agreed to revise the description to 'homeless persons' hostel to provide greater precision. They have confirmed that it would not be used for individuals needing a high degree of specialist care and if it became apparent that a hostel resident was in need of such care, suitable accommodation would be found for them.

It is worth noting, in relation to residents concerns, that hostels for the homeless are sui generis – i.e. in a class of their own. Planning permission is therefore required for a change of use from an old people's home, which falls into Use Class C2 of the Town and Country Planning Use Classes Order. A use which involved a higher degree of care - for personal care, for example, of people with a past or present dependence on alcohol, drugs, or past or present mental disorder would fall into the same Use Class as the old people's home and planning permission would not currently be required.

In response to local concerns, the internal layout has been revised to increase the number of family units against single persons' accommodation. The applicants are also happy to accept a condition limiting the total number of occupants, including children, to a maximum of 58.

Noise and Disturbance

With reference to concerns about anti-social behaviour and disturbance, the hostel will be managed by the Council, who has a great deal of experience in managing this type of facility. The applicants consider that residents close to existing hostels find them responsive when issues do occur. As an example, they advise that if they receive a complaint about noise nuisance, staff begin by interviewing both the complainant and the alleged perpetrator. Nuisance log sheets are issued to the complainant and other hostel residents. The complainant is also advised to telephone the out of hour's service if there are any further incidents. This is a telephone service, which operates between 5pm and 9am daily and on weekends and public holidays. A hostel officer will discuss the problem with the complainant, and can arrange for staff to visit the hostel, if appropriate, which can assist with providing evidence. Knowing that they are effectively being monitored by so many people is usually enough to deter the alleged perpetrator from causing a further nuisance. If there is a further incident, the alleged perpetrator is interviewed again, told of the evidence against them e.g. nuisance log sheets, and is given a written warning. A further incident would lead to their eviction. However, it is rare that such action is needed and the last eviction for nuisance was 2 years ago.

Given the importance of effective management in restricting the potential for noise and disturbance, a condition is suggested limiting management of the property to the Council or a registered housing association.

In relation to potential loss of privacy and noise and disturbance to adjoining residential properties from a more intensive use of the external amenity area, all of the site boundaries have been inspected and the layout of Arnon Oak with this in mind. The site boundaries to the north, south and east are marked by solid brick walls and fences and are in good condition. The southern site boundary abuts the rear garden fences of properties in Stanstead Road, which are in excess of 25m in depth. The only property that is considered to be at risk of loss of privacy and potential disturbance is 128 Malham Road, the side garden of which abuts the western boundary, and has a hit and miss slatted fence. The applicants have agreed to install a new section of fencing, which will prevent access to the parcel of land closest to this fence.

The applicants also intend to re-instate the front boundary fence and gates to the property to create greater self-containment. This should have the affect of reducing noise and disturbance by preventing the site being used as a turning head for large lorries, which residents complained about at the local meeting. The proposed close-boarded fence may not be visually acceptable and a condition requiring further details to be provided is therefore attached.

Parking/Highways

The site currently has 7 parking spaces marked out in a lay-by of the access road as well as 3 garages and room for half a dozen cars at the end of the road. The Highways Manager is happy with the level of provision in light of the proposed use, since the level of car ownership can be reasonably expected to be low. If any of the parking spaces were proposed to be displaced by the intended submission of a change of use of part of the site (to incorporate it within the school site), their replacement could be required. The likely traffic generation of the proposed use is not considered to have an unacceptable impact on highway safety. The replacement of the front boundary would prevent lorries using the site as a turning head.

Over-concentration of Special Needs Uses

The Council's planning policies advise that the Council will be concerned to ensure that hostel uses such as this does not lead to an over-concentration of special residential uses within established residential areas. Residents expressed the view at the local meeting that there was an over-concentration of special residential uses in the area, and the school expressed concern about the impact on the school if the number of transient children increased.

Within close vicinity of the site, there is the adjoining Barnado's children's home, which houses 6-7 children, Honor Lea, Brockley Rise used by Social Care & Health as a 29 unit hostel for people with mental health problems, 94 and 96/98 Brockley Rise which has 2 mental health units and 4 units for single homeless women in Kilmorie Road. It is not considered to constitute an over-concentration of special residential uses sufficient to have any significant impact on the character of the area. In addition, the existing lawful use of the premises is Use Class C2, which means that the building could be used as a special needs hostel where a high degree of care is involved without the need for planning permission. In relation to concerns about the impact on the school population, the number of children to be accommodated who fall into the appropriate age group, who are not already established in

another school that they continue to attend will be limited. Additionally, as families tend to spend 1-2 years on the waiting list, it is not considered that the children could be described as highly transient.

Consultations

Most of the points raised by residents in their letters and at the local meeting have been addressed in the section above. In relation to the school, their concerns in relation to overlooking of the playground would be considered if an application to change the use of part of the site is submitted. As it stands, there is no direct overlooking. In relation to the concern expressed about the extent of consultation, all properties in Malham Road were consulted from the junction with Wastdale Road eastwards as well as all properties sharing a boundary with the site. The Ewart Road Housing Co-operative was also advised of the proposal. A press notice and a site notice were also posted. It is considered that this was a more than adequate level of consultation.

Conclusion

Subject to suitable conditions relating to management, numbers, and new fencing, it is not considered that the proposed use would have an unacceptable impact on local residents or be in conflict with the Council's planning policies.

RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) OC1 Occupation Level (58 people (excluding staff))
- (2) The hostel shall only be managed by Lewisham Council Housing Service or a Registered Social Landlord.
- (3) Notwithstanding the details shown on the approved plans, details of the proposed front boundary treatment shall be submitted to and approved in writing by the local planning authority and shall be erected on site prior to first occupation of the hostel.
- (4) The new fence linking the building to the southern boundary in the location shown on drawing no. 3000106/U/004 Rev. A shall be erected prior to first occupation of the hostel and the enclosed area marked in yellow shall be kept locked except for maintenance and shall at no time be used by hostel residents.
- (5) Details of pram, pushchair and cycle storage shall be submitted to and approved in writing by the local planning authority, and shall be provided prior to first occupation of the hostel.

Reasons

- (2) To safeguard the amenities of the adjoining premises and the area generally and to comply with HSG 18: Residential Environment in the Council's adopted Unitary Development Plan and HSG 3 Residential Amenity in the Revised Deposit Draft Unitary Development Plan (August 2001).
- (3) To ensure that the proposed front boundary treatment does not prejudice the appearance of the locality and to comply with Policy BLT.ENV 1: Urban Design in the Council's adopted Unitary Development Plan and URB 2 Urban Design in the Revised Deposit Draft Unitary Development Plan (August 2001).

- (4) In the interests of the environmental amenities of the occupiers of 128 Malham Road and to comply with HSG 18: Residential Environment in the Council's adopted Unitary Development Plan and HSG 3 Residential Amenity in the Revised Deposit Draft Unitary Development Plan (August 2001).
- (5) To ensure that adequate and convenient provision is made for the hostel residents and in relation to cycle storage, to encourage the use of sustainable means of transport.

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