

Committee	PLANNING COMMITTEE A	
Report Title	16 VANCOUVER ROAD SE23	
Ward	Perry Vale	
Contributors	Jonathan Doe	
Class		11 SEPTEMBER 2014

<u>Reg. Nos.</u>	DC/14/87519
<u>Application dated</u>	12.05.2014
<u>Applicant</u>	CGB Partners Ltd on behalf of applicant
<u>Proposal</u>	The change of use of the existing outbuilding at 16 Vancouver Road SE23 into 1 one-bedroom self-contained unit.
<u>Applicant's Plan Nos.</u>	Site Location Plan, 2074/101A, 2074/100A and Design & Access Statement including Sustainability Statement
<u>Background Papers</u>	(1) Case File LE/547/16/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application property is a former house on the northern side of Vancouver Road, a residential street to the west of Perry Hill/Catford Hill. The property is used to provide care and accommodation to adults with learning disabilities. There are currently six residents occupying the property.
- 1.2 A detached outbuilding is set to the rear of the house. The outbuilding was constructed to provide an art therapy room, playroom, staff office and manager's office.

## **2.0 Planning History**

- 2.1 In 1985 planning permission was granted for the change of use from a single family dwellinghouse to a tourist guest house offering bed and breakfast for a maximum of 6 people.
- 2.2 DC/89/30102 – The change of use of 16 Vancouver Road SE23 to a residential children's home for a maximum of 12 children together with the erection of an external staircase at the rear – Granted 07/08/1989 (for a limited three year period, until 30 June 1992).
- 2.3 DC/91/32580 – The change of use of the existing dwelling house to provide a class room on the ground floor, a therapy room, observation room and office on the first floor, and two bedrooms on the second floor to provide overnight

accommodation, all in connection with the residential children's home at 16 Vancouver Road – Granted 5 September 1991

- 2.4 DC/92/34006 - The erection of a conservatory at the rear of 16 Vancouver Road - Withdrawn
- 2.5 DC/92/35203 - The removal of condition (2) of the planning permission dated 7/8/89 (namely that the use be permitted until 30 June 1992) for the change of use of 16 Vancouver Road SE23 to a residential childrens home for a maximum of 12 children together with the erection of an external staircase. - Refused 09/08/1993
- 2.6 Planning permission was granted at appeal (T/APP/C5690/A/93/228659) for the continued use of 16 Vancouver Road as a residential children's home for a maximum of 12 children with effect from 30 June 1992. The decision to grant planning permission was made in 1994. The current use, involving adults with learning difficulties, and the use granted by the Inspector are both within the same Use Class and accordingly planning permission was not required for the alteration from a children's home to the current use.
- 2.7 DC/05/59679 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Granted 12/08/2005
- 2.8 DC/14/87378 - The construction of a single storey replacement building to the rear of 16 Vancouver Road SE23 to provide an art therapy room, play room and staff office and a manager's office. - Withdrawn

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The application seeks permission to use the outbuilding in the rear garden as a unit of accommodation for one of the residents receiving care at the property. The plans show the outbuilding would accommodate a single bedroom, an open plan kitchen and living room, shower-room and hall.
- 3.2 The occupation of the outbuilding would bring the number of residents at the property to seven.

#### Supporting Documents

- 3.3 A Design and Access Statement was submitted to accompany the application. This document included a sustainability assessment.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and 22 letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

## **Pre-Application Consultation**

- 4.3 Informal officer advice was provided by email prior to submission of the application. No issue was identified to present a fundamental objection to the proposal.

### **Written Responses received from Local Residents and Organisations**

- 4.4 Five objections have been received from neighbouring properties at 10, 14 18 and 20 Vancouver Road, and 62 Carholme Road. The issues raised are summarised below.

- an increase in noise
- light pollution
- would not provide suitable accommodation
- concern at intensification of use
- loss of existing facilities in the outbuilding would be detrimental to residents of the property

### **Other**

- 4.5 Social Care and Health: This is a residential care service for adults with learning disabilities where London Borough of Lewisham has three people placed currently. The additional self-contained unit of accommodation could have benefits for the Council in meeting the needs of a client for whom we may need a local placement.

## **5.0 Policy Context**

### **Introduction**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate

otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities

#### London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPG's relevant to this application are: Housing (2012)

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

Development Management

- 5.9 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.
- 5.10 The Council expects to formally adopt the DMLP in autumn 2014.
- 5.11 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.12 The following policies are considered to be relevant to this application:
- |              |   |
|--------------|---|
| DM Policy 5  | Sheltered housing and care homes            |
| DM Policy 32 | Housing, Design, Layout and Space Standards |

**6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
  - Standard of Accommodation
  - Impact on Adjoining Properties

Principle of Development

- 6.2 The application property is within a residential area. Core Strategy Spatial Policy 5 seeks to provide quality living environments while UDP Policy HSG 4 refers to resisting the siting of incompatible development in or close to residential areas and dealing with existing uses that create a nuisance.
- 6.3 UDP Policy HSG 18, Special Needs Housing states that the Council will seek, in co-operation with other local authorities and the voluntary sector, to provide a full and complementary range of short and long stay supported accommodation to ensure that proper provision is made for those who need accommodation with an element of social and/or health care in the Borough. The policy is relevant to this application in that the application is for the intensification of C2 accommodation. The supporting text to this policy confirms that supported accommodation for those with a learning disability constitutes special needs housing and that the general aim of the Council is to facilitate such provision. Therefore the proposal is supported, in principle, by policy.
- 6.4 DM Policy 5 is concerned with care homes and states that the Council will support proposals for care homes provided that the development will be suitable for the intended occupier in terms of the standard of facilities and the provision of support and care. The proposal would replace a therapy room; the number of people in need of care would increase while the standard of facilities would decrease. As

stated at paragraph 2.60 of the supporting text to DM Policy 5, a key criterion is the fit between the facilities and the needs of residents. However, the main property provides a sensory room, dining room, office/medical room, kitchen and a communal sitting room and two other sitting rooms available to residents and it is considered these are ample to provide facilities for residents' needs. Additionally, the rear garden of the property is substantial at 20m deep by 13.5m wide, it is considered a replacement facility could be provided if a need was identified and subject to planning permission. Accordingly, the comment raised during neighbour consultation regarding loss of facilities is not supported.

#### Standard of Accommodation

- 6.5 The London Plan Housing SPG 2012 sets out standards for residential accommodation. A one person flat is required to have a minimum floor area of 37sqm. The proposal would provide 41.5sqm. In addition, the occupier would have access to the facilities of the main dwelling.
- 6.6 DM Policy 32 states that the standards in the London Plan and London Plan SPG 2012 will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. However, the policy also states that studio flats (one person dwellings at gross internal area of 37sqm) will not be supported other than in exceptional circumstances. This proposal is considered to be such an exceptional circumstance as the accommodation is for a person receiving care and would have access to a number of communal facilities.
- 6.7 It is considered that, given the size of the accommodation and its access to shared facilities, the accommodation would provide suitable accommodation. Therefore a comment raised in the course of neighbour consultation is not supported.

#### Impact on Adjoining Properties

- 6.8 The proposal is for the intensification of use of a C2 use in an area of C3 use housing. A C2 use has a different character of use to that of a C3 use and hence the differentiation in the Use Classes Order. The intensification of use in an established residential area may lead to a loss of residential amenity to occupiers of neighbouring properties but it is considered that to the addition of one more resident would not have any material adverse impact to any neighbour.
- 6.9 The use is managed by staff and the concerns of neighbours regarding noise, light pollution and the intensification of use is not supported.

#### **7.0 Equalities Considerations**

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 In this case the interest of the proposed resident of the outbuilding and the interest of the owner of the property is comparable with the interests of occupiers of neighbouring properties and accordingly there is minimal/no impact on equality.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, Officers consider that the thrust of policies supporting provision of the use outweighs concerns of neighbours and the scheme is therefore considered acceptable. Additionally, the Council’s Social Care and Health department is supportive of the proposal, referring to current use of the property by the London Borough of Lewisham to accommodate three people and the additional unit may have benefits for the Council in meeting the need of a client needing a local placement.

## **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason** As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below.

Site location plan, 2074/100A, 2074/101A and Design & Access Statement including Sustainability Statement.

**Reason** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

## **INFORMATIVES**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.