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| Committee | PLANNING COMMITTEE (A) | |
| Report Title | 34 BROMLEY ROAD SE6 2TP | |
| Ward | Rushey Green | |
| Contributors | Tabitha Lythe | |
| Class | PART 1 | Date: 14 MARCH 2012 |

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| <u>Reg. No.</u> | DC/11/78471 |
| <u>Application dated</u> | 28.09.11 completed 21.10.11 |
| <u>Applicant</u> | Canopy Planning Services Ltd on behalf of Care First UK Group Ltd |
| <u>Proposal</u> | The change of use from single-family dwellinghouse (Class C3) to a semi-independent living accommodation (Class C2) at 34 Bromley Road SE6, to provide residential care group home for seven young people, together with a self-contained unit in association with the use and the construction of a single storey outbuilding to be used for meeting, gym and IT facilities. |
| <u>Applicant's Plan Nos.</u> | 11202/01; 02; 03; 04; 05; 06; 07; Site Plan; Received 3 Oct 2011; Access and Design Statement and Supporting Statement Received 21 October 2011 |
| <u>Background Papers</u> | (1) Case File LE/472/34/TP (2) Adopted Unitary Development Plan (July 2004) (3) Core Strategy (June 2011) (4) The London Plan (July 2011) |
| <u>Designation</u> | Existing Use, Culverley Green Conservation Area, Article 4 Direction, Not Listed. |

1.0 Property/Site Description

- 1.1 The property is a three-storey semi-detached single-dwelling located on the north-western side of Bromley Road near its junction with Penderley Road. A children's nursery is located to the north of the property and a nursing home to the south. Located within the Culverley Green Conservation Area which is covered by an Article 4 Direction. The property is not a listed building.

2.0 Planning History

- 2.1 **DC/02/51702:** The alteration and conversion to provide 1, one bedroom and 2, three bedroom, self-contained flats, together with the provision of 3 car parking spaces to the front. It appears that this consent was never implemented.

3.0 Current Planning Application

3.1 The Proposals

3.2 The change of use from a single-family dwelling (Class C3) to a semi-independent living accommodation (Class C2) to provide a residential care group home for seven young people aged between 16 and 25 who are cognitively challenged, have mental ill health, have a learning disability and are in need of personal care or those leaving care with high needs and need help in learning independent living skills. The main house has already been altered inside to the proposed layout and was previously being used without the benefit of planning permission although the use has ceased pending the decision of this application. The internal layout has already been altered for the use as it was being used as living accommodation for young people for the last two years without the benefit of planning permission. However, the use has ceased pending a decision on the application.

3.3 Construction of a single-storey L-shaped outbuilding 8.75m wide (at rear of garden) and 4.4m wide x 14m deep along the boundary with 32 and 5m long along the boundary with 36 x 2.5m high with two windows proposed in the rear elevation and two doors and two windows proposed in the south-western elevation. The building is proposed to be built in brickwork to match the existing house with a felt roof and timber framed windows. It is proposed to be used in connection with the main house as a gym, leisure and IT facility.

4.0 Consultations

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 25 letters were sent to residents and business in the surrounding area and the relevant Ward Councillors. We also consulted the Culverley Green Residents Association. The application was withdrawn from the agenda for the 16 February 2012 Planning Committee B due to incomplete consultation having been carried out. Letters were sent to 11 additional neighbouring properties taking the total letters sent to 36. No further comments have been received yet, however residents have until the 8 March 2012 to comment. Should any additional comments be received following the publishing of this agenda these comments will be provided to the Committee members prior to the start of the 14 March 2012 committee.

Written Responses received from Local Residents and Organisations

4.3 3 responses were received from 32 (children's nursery), Flat 4 at 40 and 42 (residential properties) Bromley Road, objecting to the proposals. The following comments are made:

- The Canadian Road/ Bromley Road area appears to be taking over by care homes, resulting in the loss of its residential nature;
- if approved the outbuilding would set a precedence for permanent buildings in the garden;

- it's a conservation area and preservation of green spaces is part of this; felling of a tree requires consent and building a building of this size is equally concerning;
- fewer young people could be taken in so the outbuilding is not required;
- residents of the home are noisy causing disturbance to neighbours;
- children in home will be swearing while there are young children at nurseries next door;
- children in the home have vandalised neighbouring property

(Letters are available to Members)

Amenity Societies' Panel

4.4 Objection to the size of the building in the rear garden and loss of garden area its construction would entail. Noise and disturbance could also be an issue given the presence of a night nursery in a neighbouring property.

4.5 Highways and Transportation

No comment.

5.0 Policy Context

Introduction

5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line 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 UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

5.2 A residential development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 5: Planning for the Historic Environment (2010)

London Plan (July 2011)

5.3 The London Plan policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all

Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

5.4 The London Plan SPG's relevant to this application are:

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

Core Strategy

5.5 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with 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:

Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 12 Landscape and Development
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 1 Prevention of Loss of Housing
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 9 Conversion of Residential Property
HSG 12 Residential Extensions
HSG 18 Special Needs Housing

Residential Standards Supplementary Planning Document (August 2006)

5.7 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of

developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

Principle of Development

6.2 The principle of the change of use from a single-family dwelling to semi-independent living accommodation to provide a residential care group home for seven young people would need to comply with Council policy HSG 18 Special Needs Housing.

6.3 There is a demand for this type of housing with Lewisham Social Services referring people to use this service as the property was being used previously for two years before the applicants realised planning permission was required. The use has ceased while planning permission is being sought, and the residents living there have been moved to temporary accommodation. As the accommodation had been used for two years previously with Lewisham Social Services referring people the accommodation is considered to be a suitable type of accommodation with private bedrooms and bathroom facilities as well as a large rear garden for external amenity space. Its location within walking distance of Catford town centre means that it is within easy reach of many other facilities that may assist in the care of the residents. Suitable accommodation is also provided for staff as they are required to be at the premises all of the time.

6.4 The self-contained unit would be provided as part of the specialist accommodation to provide a self-contained living environment within the security of the home for those preparing to move out of the accommodation into fully self-contained accommodation. Overall, officers consider that the principle of development is considered acceptable as it would provide valuable and needed accommodation.

Design

6.5 The main house would remain unchanged and all of the internal alterations have already been carried out.

6.6 Although the outbuilding would be large, it would cover less than 50% of the rear garden and would still leave more than 9m depth of the garden as well as being ancillary to the main house. As such, if the property would have been a single family dwelling house then planning permission would have not been required for

this structure. Within the context of the property and the large rear garden it would be considered to be an acceptable in this instance.

- 6.7 The design is basic and lacks architectural merit though its location at the rear of the property would mean that it would not be visible from the street. There is a high boundary fence between 34 and 36 which would mean that it would barely be visible from 36 and while the existing boundary wall between 32 and 34 is relatively low a boundary wall of 2m high could be erected without planning permission and the building would sit 0.5m above that. 32 also has some outbuilding along the boundary with 34 further lessening the impact. Landscaping works are also proposed to provide some greenery to the garden which is currently completely covered in concrete slabs providing some improvement to the garden.
- 6.8 The details of the proposed materials are acceptable and a condition requiring the building to be built in materials to match the existing house would ensure this.

Housing

- 6.9 The standard of the accommodation provided would be acceptable and meet the Borough's Residential Standards Planning Document in terms of minimum rooms sizes and acceptable levels of sunlight/daylight and outlook. The residents would also have access to a large rear garden for external amenity space.

Highways and Traffic Issues

a) Cycle Parking

- 6.10 No details of cycle parking have been proposed. There would be sufficient space within the front and rear gardens to provide cycle storage and a condition requiring details of this has been attached to the recommendation.

b) Car Parking

- 6.11 The existing three off-street parking spaces would be retained as part of this proposal which is above the maximum standards for a new dwelling but as this is the current situation this would be considered to be acceptable.

c) Refuse

- 6.12 The refuse storage is proposed to remain at the front of the property where it currently is and collection arrangements would not differ from existing. Therefore the refuse details are considered to be acceptable.

Impact on Adjoining Properties

- 6.13 Policy HSG 4 seeks to protect residential amenity.
- 6.14 Given the orientation, location and height of the outbuilding there would not be a significant loss of light or overshadowing to neighbouring windows. Furthermore there would be no significant increase in overlooking or loss of privacy beyond the current situation.
- 6.15 Concerns have been raised about the behaviour of some of the previous and proposed residents by two of the objectors. The Director of 1st Care Homes has

owned and operated children's homes for more than 20 years and semi independent living facilities since 2008 and has experience of working with young people with mental health and learning disabilities. Techniques are used to control behaviour including curfews so that residents are not out on their own late to overcome behaviour and crime issues. To ensure that behaviour is suitably controlled a management plan could be secured by way of a condition to overcome neighbours' concerns.

Sustainability and Energy

- 6.16 The only new development relates to the outbuilding as no works are to be carried out to the main building. For a development of this scale it is not considered to be reasonable to insist on sustainability measures.

Ecology and Landscaping

- 6.17 The removal of some of the concrete slabs and replacement with soft landscaping would improve the ecology and biodiversity of the garden.

7.0 Conclusion

- 7.1 Change of use from what was a single-family dwelling house to specialist residential accommodation would be an acceptable use in this location which would meet the Council's minimum standards for residential accommodation without having a significant impact on the amenities of neighbouring properties.
- 7.2 The outbuilding while larger than usual would be an acceptable development in this location and would not have a negative impact on the character and appearance of the property or the conservation area or on the amenities of neighbouring properties.
- 7.3 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.4 On balance, Officers consider that the change of use from a single-dwelling house to a semi-independent living accommodation to provide residential care group home for seven young people, together with a self-contained unit in association with the use and the construction of a single storey outbuilding to be used for meeting, gym and IT facilities is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies URB 6 Alterations and Extensions; URB 12 Landscape and Development; URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas; HSG 1 Prevention of Loss of Housing; HSG 4 Residential Amenity; HSG 5 Layout and Design of New Residential Development; HSG 7 Gardens; HSG 9 Conversion of Residential Property; HSG 12 Residential Extensions and HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability; Core Strategy Policy 7 Climate change

and adapting to the effects; Core Strategy Policy 8 Sustainable design and construction and energy efficiency; Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, unless the local planning authority agrees in writing to any variation.
- (2) The use of the outbuilding shall be as set out in the application and no development or the formation of any door providing access to the roof of the outbuilding shall be carried out, nor shall the roof area of the outbuilding be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.
- (3) The outbuilding hereby granted planning permission shall be used as ancillary accommodation to the main house and shall not be used as a separate dwelling or any other separate use from the main house unless agreed in writing by the local planning authority.
- (4) Should the residential care group home use (Class C2) cease the site shall revert back to a single-family dwelling house (Class C3).
- (5) The premises shall not be occupied by more than 7 people (excluding staff).
- (6) The premises shall be used for residential care group home and for no other purpose (including any other purpose in Class C2 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 revoking and re-enacting that Order).
- (7) A management plan outlining how the hostel shall be run, including supervisory arrangements, housing nominations, refuse collection and dealing with anti social behaviour, shall be submitted to and approved in writing by the local planning authority before the use commences. The use hereby approved shall thereafter be run in strict accordance with the approved management plan.
- (8) Details of cycle parking including enclosure and security shall be submitted to and approved in writing by the local planning authority within six months of the date of this permission. The details shall be implemented as approved.

Reasons

- (1) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (2) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).
- (3) In order to prevent an unacceptable independent use occurring.
- (4) In order to prevent the unnecessary loss of residential family accommodation.
- (5) In order that the local planning authority may be satisfied as to the level of occupation and standard of accommodation provided and to comply with Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).
- (6) To ensure that any other use of the building would be suitable in this predominantly residential area and to protect the amenities of the occupiers of adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (7) In the interest of the residential amenities of future occupiers and local residents.
- (8) To ensure sufficient and suitable cycle parking is provided in accordance with Policy 6.9 Cycling of the London Plan (July 2011).