

Committee	PLANNING COMMITTEE (C)	
Report Title	114-116 MANOR AVENUE SE4 1TE	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	Date 1 ST DECEMBER 2011

<u>Reg. No.</u>	DC/11/77746
<u>Application dated</u>	22/06/2011
<u>Applicant</u>	London & Quadrant Mrs C Unwin on behalf of London & Quadrant H.T
<u>Proposal</u>	The change of use of 114-116 Manor Avenue SE4 from a residential care home (Use Class C2) to a hostel (Sui Generis).
<u>Applicant's Plan Nos.</u>	Photograph, Site Location Plan & Existing Floor Plans.
<u>Background Papers</u>	(1) Case File - DE/98/C/TP (2) Adopted Unitary Development Plan (3) The London Plan
<u>Designation</u>	Adopted UDP – Existing Use

1.0 Property/Site Description

- 1.1 The application site comprises an adjoining mid terrace and end terrace house located at the junction of Manor Avenue and Geoffrey Road. The properties were constructed in c1880 and comprise three storeys and attic, the end terrace property (No 116) having a two storey plus basement entrance bay and side extension which appears contemporary with the property. A large part of the former gardens of the property is occupied by a 1970s block of flats known as Wadcroft Court together with a single storey commercial building at the rear of 114 which is accessed from Ashby Mews. The properties are located in the Brockley Conservation Area which is subject to an article 4 Direction. This restricts permitted development rights to front gardens and elevations of dwelling houses visible from the street.
- 1.2 The two properties are owned by Lewisham Council and leased to L&Q with only seven years of the lease remaining. The properties have been joined together and extensively modified to provide a group home. The premises, which are currently vacant, were until recently operated as a care home for mentally handicapped adults. This care home was managed by a Charity known as Aurora which specializes in the provision of care for this particular client group.

- 1.3 The side garden of the property contains a single storey building previously used for day centre activities in connection with the care home.

2.0 Planning History

- 2.1 Planning permission was granted in 1973 for the construction of a three storey block of 9 flats, 9 garages and 6 parking spaces in the rear garden of No 116 Manor Ave. This is the building fronting Geoffrey Road known as Wadcroft Court. Prior to this the garden of No 116 had been used for the repair and storage of motor vehicles. This non-conforming use appears to have been the cause of some nuisance to local residents and was the subject in 1971 of an enforcement notice requiring the closure of an unauthorised access onto Geoffrey Road. An appeal against the notice was dismissed in 1972.
- 2.2 In January 1982, planning permission was granted for the alteration and conversion of Nos 114 and 116 Manor Avenue to provide 1 three bedroom, 3 two bedroom and 2 one bedroom flats/maisonettes. This was followed in March 1982 by an application for the alteration and conversion of the building to a home for 15 mentally handicapped young people with accommodation for 4 staff. Condition 3 of this planning permission made it personal to the Aurora Project. The reason for this condition, as stated in the planning permission, was that the Council had had regard to the special circumstances of the case and wished to have the opportunity of exercising control over any subsequent use, in the event of Aurora vacating the premises, in the light of the Initial Development Plan for London and any other material considerations existing at this time.
- 2.3 In 1983, planning permission was granted for the erection of a two story extension at the rear of 114-116 Manor Avenue. In August 1988, planning permission was granted to the Aurora Charitable Trust for the erection of a single storey building in the garden of No 116 Manor Avenue for use as a day centre for up to 6 residents. As in the case of the change of use permission for 114-116 Manor Avenue, this permission was the subject of a planning condition making it personal to the Aurora Charitable Trust. A further condition prohibited use of the building for any purpose between the hours of 6.00pm and 8.00am.
- 2.4 When the home was established in the early 1980s there was a clear trend towards moving mentally handicapped young people out of large institutions and into smaller care homes in the community. The development at 114-116 was therefore part of this process and was regarded as progressive in its day. However, the trend is now towards smaller homes or independent supported accommodation where possible. In the many years of the home's existence, the mobility of some residents has also deteriorated. As it would be very difficult and expensive to upgrade accommodation on four floors in a Victorian house to modern mobility standards, Aurora, in consultation with residents of the home, took the decision to transfer the residents to more suitable accommodation. This process has now been completed and the property is vacant.

3.0 Present Application

- 3.1 The current application is for the change of use of 114-116 Manor Avenue SE4 from a residential care home (Use Class C2) to a hostel (Sui Generis). The applicant is London and Quadrant who are lessees of the Council with 7 years of their lease remaining.
- 3.3 It is proposed that the building will be used as a hostel to accommodate 12 young people nominated by the Council who have low or no support needs. The building will also have a resident caretaker, who will look after the building and test the alarm system. He/she will also monitor the behaviour of the residents and anyone causing damage or nuisance will be reported to L&Q's managing agents who will be Brent Community Housing.
- 3.4 The application is submitted with existing plans of the building. As there are no proposed changes to the building, the application is for a change of use only, and there is therefore no requirement to submit a design and access statement with the application. The property, which is arranged as a group home, is in very good condition and has been recently redecorated and provided with new appliances. This includes a fridge in every study bedroom.
- 3.5 The basement of No 116 houses a large kitchen dining area. The kitchen cupboards are lockable. The dining area has access to the rear garden via French doors. A basement bedroom in No 116 will be used as a communal study and provided with IT equipment. Existing office accommodation in the basement of No 114, which currently accommodates the caretaker (who has been moved into the property as a security measure), will be sealed and left unused. The ground floor of Nos 114 and 116 contains spacious communal living rooms. An existing bedroom in the side extension to No 116 will be used to accommodate the caretaker. This Ground floor has access to the rear garden via an external staircase. The first floor comprises 7 study bedrooms, each with fitted wardrobes and wash basin. These vary from 9.3 square metres to 10.74 square metres in size (excluding fitted units and chimney breasts). The second floor contains five study bedrooms of similar size to those on the first floor. The property has 5 bath/shower rooms with WCs in addition to 3 separate WCs and a laundry room. An existing self contained attic flat and office will be sealed off in view of the sub-standard staircase access to this part of the building.
- 3.6 The garden of the property, although much reduced by the building of Wadcroft Court in the 1970s is still of decent size and has been well maintained. It contains a large garden room which will be used as a bicycle store by residents of the proposed hostel. The garden room is largely screened from public view by the garden wall of the property which includes a pedestrian gate on to Manor Avenue.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc

- 4.1 Letters were sent to 143 properties in the surrounding area, Brockley Society and local ward Councillors, as well as notices being displayed on site and in the local press.

Brockley Society

- 4.2 No reply.

Local Residents

- 4.3 40 replies were received from the occupiers of Nos 16, 19b, 36, 41, 49, 50, 51B, 53, 55B (FOMA), 56, 67, 68, 70, 73 (Lower Flat), 76, 76A, 76B, 76 Flat 3 (2 replies), 83A, 89 (Flat B), 92, 94, 96, 97, 98, 99 Basement Flat (2 replies), 101 (Flat 1), 103, 103 Flat 1 (2 replies), 103 (Flat 5), 106, 112 (Top Flat), 112, 112 (Landlord) Manor Avenue, 137, 155 Upper Brockley Road, 71, 108 Geoffrey Road objecting to the application for the following reasons:-

- 1) Manor Ave is one of the most sought after streets in the area and the proposed hostel would harm its attractiveness for family housing.
- 2) Manor Avenue is a mugging hot spot and the proposed hostel would increase the risk of this and other crime.
- 3) There is an over-concentration of hostels in the local area and the proposal would add to the cumulative negative impact of this form of use.
- 4) The application is lacking in detail and supporting documentation.
- 5) There is insufficient information on selection of tenants and management of the facility.
- 6) The application should be rejected as invalid due to lack of supporting information, particularly the lack of a Design and Access Statement.
- 7) Consultation with local residents has been insufficient.
- 8) Residents are opposed to the use of the property for ex-offenders, drug addicts and homeless people.
- 9) Hostels uses will destroy the sense of community which has been developed in the local area.
- 10) The applicants have attempted to force through a controversial proposal without consultation with residents.
- 11) Previously homeless people will need support and the use should not be permitted without evidence that they will get this.
- 12) As evidence of over provision of hostels in the area the following properties are cited:-

Brockley Lodge, 106 Upper Brockley Road
Rokey House, Upper Brockley Road
59a Lewisham Way
14 Coulgate Street
19-21 Breakspears Road
61 Breakspears Road
86 Breakspears Road
60 Adelaide Ave
66 Wickham Road
299-301 Brockley Road
209-211 Mantle Road
12 Tressillian Crescent
90-92 Tressillian Road

- 13) Most ex-offenders reoffend within 6 months despite all the resources and assistance given to them by public bodies.
- 14) An evaluation of Lewisham's policy of care in Brockley needs to be conducted, preferably by an outside and impartial agency.
- 15) The burden of policing and providing support for Hostel users in the local area is increasingly falling on Brockley residents rather than the police and social landlords who should be responsible.
- 16) Officers must be made more accountable to the electorate for issues surrounding hostels in the local area.
- 17) Hostel users are often left wandering the streets looking for easy pickings to fund their next hit or drink.
- 18) Known problems associated with hostels include anti-social behaviour, unsocial hours, police attendance and noise.
- 19) Existing hostel users regularly beg outside Brockley Station and Costcutter in Brockley Road.
- 20) The previously vulnerable residents of the building who never caused any nuisance were moved on a cold December day and their belongings dumped into a skip. Several respondents wanted to know what happened to the original residents.
- 22) Hostel uses should be sited in areas with the appropriate infrastructure eg Citizen Advice Bureaux, GPs, employment Agencies, Job Centres etc.
- 23) The application properties would be better used as much needed family accommodation.
- 24) Some homeless people have severe mental health difficulties which could make them a danger to the community.

- 25) The proposed use would give rise to increased traffic generation.
- 26) Residents passing the hostel would feel threatened by residents standing outside the entrance smoking.
- 27) Women living alone would be concerned if more male ex-offenders are moved into the area.
- 28) Hostels are alleged to be behind the regular drug dealing which occurs at the junction of Lewisham Way and Upper Brockley Road.
- 29) A further hostel would increase the transient population of the area and discourage investment to the detriment of the character of the Conservation Area.
- 30) The proposal would result in a loss of employment as the former care home provided employment for staff.
- 31) The development would jeopardise the letting of No 112 Manor Ave.
- 32) There is no plan for dealing with domestic waste and recycling at the premises.
- 33) The submitted plans show the old care home but not the way in which the building will be altered to accommodate the new use.

(Letters available to Members)

A local meeting in connection with the application was held at Lewisham Town Hall on 27th October 2011 at 7.00pm and a copy of the minutes is attached as an appendix.

Highways & Transportation

- 4.4 Unobjectionable in principle subject to suitable refuse storage/recycling arrangements and facilities for the secure dry storage of bicycles.

Strategic Housing

- 4.5 L&Q has been in discussion with Lewisham's strategic housing team about plans for the property since 2009. 114-116 Manor Avenue is owned by the Council and it granted London and Quadrant Housing Trust (L&Q) a 35 year lease of the property in 1983. The building was in use as a care home for people with learning difficulties, managed by a specialist provider, Aurora, until the service was decommissioned.
- 4.6 Following decommissioning of the service, Aurora notified L&Q that they intended to vacate the property so L&Q set about trying to find another use for the property for the remainder of the lease, in consultation with Lewisham's strategic housing team. This included contacting the Council's Supporting People team about an

alternative provider, other local housing associations, specialist agencies and co-ops.

- 4.7 L&Q eventually proposed that Brent Community Housing (BCH) manage the property providing homes for single people with 100% of nominations coming from the Council (with the exception of one existing co-op member who would live at the property as a “responsible tenant”). It was not intended that this would be “short term” accommodation. However given that it would be shared accommodation, this may not necessarily meet residents’ aspirations for the longer term and in the event their financial position improves, they may well choose to move on. L&Q would remain responsible for the day to day maintenance and major repairs for the property.
- 4.8 Strategic housing, in consultation with the Single Homeless Intervention and Prevention service (SHIP) confirmed that this type of accommodation would meet a strategic housing need for single households at risk of homelessness with low or no support needs. SHIP would identify a number of young people as prospective tenants without support needs, or in need of very limited floating support to help them with settling in to their new accommodation. Because the scheme comprises 12 bedspaces, SHIP will take great care when assessing the prospective tenants for their suitability, to make sure that the scheme does not become difficult to manage.
- 4.9 Strategic housing supports this application for a change of use. The proposals meet an identified housing need and make best use of the building for the remaining term of the lease. The lease ends in 2018 and to reconfigure the building would be extremely costly. L&Q would not wish to hand the property back to the Council before the end of the lease, as to do so would result in L&Q having to repay considerable grant funding that they received for the original scheme

5.0 Policy Context

The London Plan (July 2011)

- 5.1 Policy 3.9 Mixed and balanced communities - Strategic
- A Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.
- B A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.

5.2 Adopted Unitary Development Plan (Adopted July 2004)

In terms of the current application, Policy HSG 18 Special Needs Housing is considered the most relevant of the saved policies in the plan. For this reason it is stated in full.

'The Council will seek, in co-operation with other 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 Council will consider applications falling within classes C2 and C3 of the Use Classes Order on their merits and will expect schemes to:

- (a) meet a proven local need (for example by being within the approved forward plans of the relevant health and social service agencies);*
- (b) provide accommodation in a location and of a type that is well designed to meet the needs of the particular client group;*
- (c) include accommodation for any residential staff in accordance with the Council's normal standards for new residential accommodation;*
- (d) satisfy all the Council's criteria for new development as set out in this Plan.'*

'The Council welcomes applications from recognised organisations for accommodation for special needs groups, including for example, students, but is concerned to ensure that such schemes do not lead to a concentration of special residential uses within an established residential area.'

The 'reasons' for the policy state that the Council regards the following as constituting special needs housing for the purposes of this Plan:

- the frail elderly;
- the physically disabled;
- those with a learning Disability;
- those with a mental health problem;
- vulnerable young people and children leaving care;
- those with impaired sight or hearing.

The needs referred to above have been identified in the 1999 Lewisham Housing Needs Survey.

The 'reasons' for the policy go on to state that the Council's aim is to facilitate provision of a full range of accommodation with an element of social or medical care for those who demand it in Lewisham. The suitability of a site for the provision of special needs housing will be determined by factors such as the proximity of essential local shops and facilities within walking distance, easy access to public transport, and in some cases the topography of the site.

5.3 Core Strategy (Adopted June 2011)

Policy 1 Housing Mix and Affordability sets out the Councils strategy although it does not specifically address the issue of hostels and other forms of specialist

housing provision. For this reason policy HSG 18 Special Needs Housing of the adopted UDP has been retained as a saved policy.

6.0 Planning Considerations

- 6.1 The main planning considerations are;- (a) whether there is an over concentration of hostels in the Brockley area, giving rise to problems of noise, disturbance and anti-social behaviour, (b) the suitability of the building for use as a hostel, having regard to the proposed client group and (c) potential impact on on-street parking in the local area. If the proposed change of use is considered acceptable, then the issue of whether this should be subject to appropriate planning conditions to control or limit the use would need to be considered.

Hostel Distribution

- 6.2 Officers had looked at whether there might be a higher concentration of hostels in Brockley as opposed to other parts of the Borough. However, this does not appear to be corroborated by planning statistics. These show that hostel applications and applications for HMOs (which provide similar accommodation) make up only a small percentage of the total received by the Council. In addition to being rare, they also appear to be widely dispersed over the Borough's wards, with no evidence of any particular concentration in Brockley. Indeed, many wards outside Brockley have large hostel premises which are long standing, such as Ennersdale House in Lewisham Central.
- 6.3 Although planning statistics do not reveal planning permissions granted before the early 1990s or established uses which have never received planning permission, it is unlikely that these would add greatly to the total. While the list of alleged hostels in Brockley provided by objectors to the application indicates that the Brockley area has been researched in some detail for evidence of hostel operation, this would not indicate a concentration of hostels in Brockley without a similar survey of other wards in the Borough for purposes of comparison. Several of the addresses in question are in fact care homes rather than hostels, which fall into the C2 Use Class and the number likely to have been subject to complaints in relation to anti-social behaviour by residents is likely to be limited to a small number of the total.
- 6.4 Officers are also aware of several hostels in Brockley which have ceased in recent years and reverted to use as either C3 flats or houses. Hostels can also be occupied by a variety of different groups of people including students attending Goldsmiths College, which has a number of student halls of residence/hostels in the New Cross Area. A large hostel which formerly belonged to Goldsmiths is Pentland House in Lee. This is now managed as a private hostel where many of the current occupiers are migrant workers. Officers are not aware of any complaints from local residents with respect to these hostels. It therefore cannot be assumed that all hostel developments will inevitably give rise to nuisance.

Suitability of the Premises for Hostel Use

- 6.5 The property has undergone considerable modification to make it suitable for use as a group home and the work has been carried out to a very high standard. The rooms are of a good size for use as single study bedrooms and the communal areas are spacious and well equipped. The accommodation is well provided with bath/shower rooms and WCs. The building is also well maintained, has been recently redecorated and has an attractive rear garden, mainly to the rear of No 114. This has an ornamental pond and is equipped with picnic tables. There is therefore no doubt that the building is suitable for use as a hostel without the necessity for any adaptation whatsoever. However, the building has been so extensively modified in order to provide a group home that it would now require considerable investment in order to convert the properties back to two single dwelling houses or to self contained flats. Given the short period of the lease remaining before the property reverts to the Council, the lessee, is unlikely to be able to secure the necessary funding to implement any change and considers that the continuation of a group home use of some kind is therefore the only viable option.
- 6.6 The applicant and the Council's housing department also consider that finding a care home provider to continue the current C2 use would be difficult. As the experience with the Aurora Trust would tend to suggest, organisations which care for disabled and vulnerable persons no longer favour the group home model, although in their day they were a considerable improvement on the large institutional homes which preceded them. Moreover, the multiple change in levels within the building renders it unsuitable for disabled and elderly persons. For this reason it was considered that the property would lend itself well to accommodating single persons from the Council's waiting list.
- 6.7 In the case of the proposed hostel, the applicants have described the client group as young persons (aged 18-25) with low or no support needs. This would include students in full time education, training schemes and apprenticeships. While some of the proposed residents will be in employment others might be job seekers. Support needs would therefore vary between none at all to possibly help and advice with respect to finding employment and claiming benefits. Apart from the resident caretaker the young people would all be nominees of the Council. They would be either moving on from supported accommodation in Lewisham or would be people from Lewisham who are homeless or at risk of homelessness and who have low or no support needs but would benefit from a period in independent accommodation. They would therefore be persons for whom the Council has a responsibility to find accommodation. Recent changes to the housing benefit system also mean that single people under 25 can only receive benefit in respect of single room accommodation. In 2010 the current Government also made it possible for C3 dwelling houses to be altered to C4 HMOs without the need for planning permission, provided that the property was not occupied by more than 6 unrelated individuals. HMOs would, however, still need to be licensed by the Council. It is therefore likely that there will in future be increasing demand for single room hostel or HMO type accommodation to meet the needs of young single people not living with their family or relatives

- 6.8 The applicant's managing agents for the proposed development are Brent Community Housing, who manage other similar group homes. The management contract was subject to competitive tender. At the local meeting, BCH stated that they do not manage properties where residents require high levels of support due to diagnosed mental illness, drug or alcohol dependency. They do not possess the specialist skills necessary for dealing with these client groups and would therefore not have taken on the management of the accommodation if it had been intended for such persons. It is expected that the residents of the proposed hostel will be a cross-section of young people with no or low support needs as detailed above. Although there is no expectation that the residents will necessarily engage in anti-social behaviour, BCH will have a resident caretaker on the premises who would be responsible for reporting any incidents back to them so that appropriate action can be taken. As stated at the local meeting (see Appendix), this could result in the eviction of the individual in question if anti-social behaviour to other occupiers of the building or local residents can be shown. However, the main role of the caretaker is maintenance of the building and testing of alarm systems, given that BCH are not based in the Borough, rather than that a high possibility of anti-social behaviour by residents is anticipated.
- 6.9 According to BCH residents will be able to have visitors but are responsible for their behaviour. The rooms are intended for single occupation within the context of a communal household. The accommodation is therefore not suitable for couples, who would be encouraged to seek more suitable self-contained accommodation.

Impact on on-street parking

- 6.10 Residents of the proposed hostel will be young single people at the start of their careers. Giving the high costs associated with learning to drive and car ownership, it is expected that car ownership will be low or absent altogether. There is certainly no reason to suppose that it would be higher than that which would be generated by the conversion of these two large properties to self-contained flats. The Council does not require the provision of off-street parking in the case of residential conversion schemes. The previous use as a care home will also have generated vehicle movements to the locality by staff and visitors to the home. Again, there is no evidence that this is likely to be higher in the case of the proposed hostel use.

Planning Conditions

- 6.11 In considering the acceptability of the use, officers have given consideration to whether conditions could reasonably be imposed to ensure satisfactory operation of the use.
- 6.12 It is considered that a condition limiting the number of residents to 12 (in addition to a resident caretaker) should be imposed to prevent the likelihood of nuisance from the operation of the facility through more intensive occupation. The proposed number of residents is somewhat below the capacity of the building and involves rooms (such as the attic flat) being left unused.

- 6.13 The original permission for the use of these premises as a group home was subject to a condition which made it personal to the Aurora Charity. It is considered appropriate to impose a condition limiting the use to a Registered Social Landlord (RSL) such as a housing association, in order to ensure that should BCH relinquish the property, that the use could only be operated by an RSL rather than a private hostel operator.
- 6.14 At the local meeting there was discussion about the possibility of a temporary permission for a period of a year, effectively a 'trial period'. The remaining period of the lease is seven years and a short trial period is not considered reasonable as significant problems are not anticipated.

7.0 Consultations

- 7.1 The applicants arranged a public meeting on the application proposal which was delayed until 18th Sept to allow all ward Councillors to attend. The meeting was chaired by Cllr Wise, Chair of Housing, and there were presentations from the applicant and Lewisham strategic housing. A representative of the Aurora Charitable Trust was also present to explain the reasons why the care home had had to close and how the former residents were considered to be much better off in their new accommodation. Many residents attending the meeting complained that the format of the meeting gave them insufficient opportunity to question the speakers and felt the representatives of the managing agents ought to have been present.
- 7.2 A representative of the objectors to the application accompanied the planning officer on his inspection of the premises and put questions to the representative of Brent Community Housing who was present throughout the inspection.
- 7.3 A subsequent local meeting on 27th October was organised by the planning officer in accordance with the Council's Statement of Community Involvement. A representative of Brent Community Housing was present and there was ample opportunity for questions. Several objectors wrote in to say that they would not be attending the meeting as it indicated that officers were minded to recommend the application to the Planning Committee for approval rather than refuse it under delegated powers.

8.0 Conclusion

- 8.1 In view of the above considerations, officers consider that the proposal would enable a building capable of providing excellent accommodation for young single people to be brought into use. At the moment this valuable asset lies unused. Officers do not consider that all hostel uses give rise to nuisance and anti social behaviour and that the likelihood is that only a very small number of such uses actually give rise to any problems at all. Hostel applications are also comparatively rare within the Borough and there is no evidence of a concentration within the Brockley area.
- 8.2 In this case, nominations to the hostel will be made by the Council and the premises remain in the leasehold ownership of an RSL, with very experienced

managing agents in the form of Brent Community Housing, who propose to have a resident caretaker in place. The risk of a hostel of the type proposed giving rise to any incidents of anti social behaviour is therefore considered low and possibly no greater than with C3 in general.

- 8.3 Conditions are proposed which limit the operation of the hostel to a registered RSL and occupation of the hostel to 12 tenants who shall be nominees of the Council and a resident caretaker. A limited period permission is not recommended as the Council already has a great deal of control over the operation of the proposed use by virtue of being the agency (as housing authority) which will nominate the tenants occupying the building under one of the two recommended planning conditions. This coupled with the fact that the Council is also the freehold owner of the property and that the use of the premises will be limited to an RSL, provides, in the opinion of officers, sufficient safeguards to ensure trouble free operation of the premises. For this reason a limited period condition is considered unnecessary.

9.0 Summary of Reasons for Grant of Planning Permission

On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).

And

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 Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:-

- (1) The occupation of the hostel hereby approved shall be limited to not more than 12 tenants who shall be nominees of the Council and a resident caretaker appointed by the applicant or their agent.
- (2) PP2 Personal Permission – Housing Assn

Reason

- (1) In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over the intensity of occupation of the premises in the event of any change and in the light of any material considerations existing at the time.

APPENDIX

114-116 Manor Avenue, Application No 11/77746

Minutes of Local Meeting

Held at Lewisham Town Hall on 27th October 2011 at 7.00pm

The meeting was attended by:

Cllr Darren Johnson (Chair)

Jan Mondrzejewski (Planning Case Officer)

Wendy Angell (L&Q)

Sonia Bernard (L&Q)

Rose Tudor (Brent Community Housing)

8 residents representing Nos 94, 98 & 112 Manor Ave, No 71 Geoffrey Rd and No 55 Breakspears Rd.

Apologies

Cllr Obajimi Adifiranyi

Cllr Vicky Foxcroft

Cllr DJ welcomed everyone to the meeting and explained that the intention was to address peoples concerns about the application rather than to determine it. Given the number of objections to the proposal, the scheme can only be approved by the Planning Committee.

JM explained the parameters for making decisions under delegated powers. In cases where there are more than 10 objections, any report to Committee recommending approval must be preceded by a local meeting. The decision in this case on whether or not planning permission is approved or refused will therefore rest with the Planning Committee. Both the applicant and representative of the objectors will each have five minutes to address the Committee before the decision is made.

JM was asked about how frequently officer recommendations were overturned by the Committee. He replied that while the majority of decisions follow the officer recommendation this is not always the case and he cited the example of an application for the use of the former social club premises at 60 Manor Avenue as a day nursery. In this case the Council decision to refuse permission was upheld on appeal and the property is now in the process of being restored to its original use as a large residential dwelling. Cllr DJ pointed out that in this case the Committee asked for the consideration of the application to be deferred to enable a site visit by Members to be arranged.

In deciding not to refuse permission under delegated powers, officers had looked at whether there might be a higher concentration of hostels in Brockley as opposed to other parts of the Borough. However, this does not appear to be borne out by planning statistics. Hostel applications tend to be rare and widely dispersed over the Borough's wards, with no evidence of any concentration in Brockley. Indeed, some hostels such as Ennersdale House in Lewisham Central are much larger than any facility in Brockley. Officers are also aware of several hostels in Brockley which have

ceased in recent years and reverted to C3 flats or houses. Others described by residents as hostels are actually care homes, while many buildings operated as hostels are not linked to any evidence of anti-social behaviour.

One resident of Manor Avenue stated that the main concern was the fact that the proposed use would detract from the character of the area and discourage family occupation, which was currently quite high. Residents were also concerned that the premises were not detached, would have no effective caretaker or any means for residents to report any anti-social behaviour which might be linked to residents of the proposed hostel, particularly when this occurs 'out of hours'.

SB of L&Q stated that the hostel was intended for 12 young people (18-25) nominated by the Council from its own waiting list with no or low support needs. They were therefore not a client group where there would necessarily be a high risk of anti-social behaviour. As L&Q's lease expires in 2018 and the premises had been extensively modified for use as a group home, this was considered the only viable use for the building in the short term. SB explained that Brent Housing was selected to manage the proposed facility following a tendering process because they have extensive experience of managing similar accommodation. RT of Brent Housing stated that no residents are being imported from Brent and that they do not manage properties where residents have mental health problems or challenging behaviour. All prospective tenants would be assessed by Lewisham to ensure that there were no underlying problems and no person with a known history of risk to others would therefore be accommodated. The tenancies would be assured shorthold ones and could be terminated if residents were found to be responsible for anti-social behaviour.

One resident raised the issue of a particular hostel in Breakspears Road where residents frequently indulge in anti-social behaviour such as begging, verbal abuse, exposure and urination in public. He asked if repeatedly calling someone a 'fat slag' as they passed the building would be regarded as anti-social behaviour. RT said that this was anti-social behaviour and would not be tolerated. The tenant responsible for such behaviour would therefore be evicted. This process would start with the service of an eviction notice on the tenant and allowing for court action the eviction could take between a few weeks and 3 months. Tenants may also be evicted for rent arrears. Although the evictions are undertaken by L&Q, Brent Housing as managing agents clearly have a say in the process.

JM pointed out that not all hostels in the area give rise to nuisance and that there could not therefore be a presumption that the proposed hostel would.

One resident who had worked with people with mental health problems, stated that while a supported unit, was unlikely to give rise to problems, unsupported hostels were generally a 'revolving door' leading back to the institution from which the person had originally come.

One resident wanted to know why the previous Care Home use could not be maintained. This had been addressed in some detail at the previous public meeting at Lewisham College which was attended by the Aurora Charitable Trust which ran the home. SB explained that care for mentally ill had moved away from the group

home model. All former residents of Avalon House had been found more suitable accommodation and there was now unlikely to be any strategic need for the use of the building by a similar client group.

One resident asked why, if there is little or no risk of anti-social behaviour from tenants, a caretaker is being employed. On the nature of the caretakers role, RT stated that because they were not based in the Borough, effective management required a representative on site. However, the caretaker's role was not restricted to looking after the building and its alarm systems, instances of anti-social behaviour and noise would be recorded and reported to Brent Housing for action.

On the reporting of anti-social behaviour, residents would have to use their discretion as to whether the best agency to deal with the matter, should it arise, is the Police or the noise enforcement section of the Council's Environmental Health Department. However, if residents believe the incident is linked to a tenant of Avalon House, RT was happy for the incident to be reported to her directly (preferably before 10.00pm) and she would do her best to resolve the matter. RT distributed her card with contact details to residents attending the meeting.

RT stated that Brent Community housing had been in existence for 35 years and had a great deal of experience at managing short life accommodation and hostels. They do not generally have problems with the accommodation which they manage.

JM stated that he had visited the property with John Morgan (representing the objectors to the application). The premises have been recently redecorated and are in excellent condition. The bedrooms and communal areas are spacious and well equipped and there is an attractive rear garden. It is not proposed to use the attic accommodation in the building due to the fact that the access does not meet current fire safety guidance. The proposed caretaker of the building is currently in residence in order to provide security. However, no residents will move in unless planning permission is granted.

The rooms are for single occupancy and will be provided with single beds. Residents will be permitted to have visitors but will be responsible for their behaviour.

On Planning conditions which might be applied to a planning permission for the proposed hostel, JM stated that the following would be considered reasonable in the light of Government Advice as set out in Circular 1/95:

1. Limit on Maximum number of residents (12 nominations by Council plus caretaker employed by managing agents).
2. Managing agent should be Brent Housing unless the Council as local planning authority agrees in writing to any variation.
3. The permission could be time limited, say one year, in order to allow the application to be assessed at the end of that period to ensure that operation was trouble free. If not, the Council as local planning authority would be able to seek measures to improve operation of the hostel so as to reduce any

identified nuisance. Renewal of the planning permission could also be on a similar limited period basis.

JM stated that as conditions can be appealed it was important to get the agreement of the applicant at the outset. 3 could be onerous for the applicant as it would mean reapplying for planning permission after only one year of operation. However, residents stated that if permission was to be granted, they would require some assurance that they could have any complaints about its operation raised with the Council while there were still several years of the lease remaining. SB stated that she was not opposed in principle to a limited period condition provided everyone appreciated that at this stage the premises would be occupied making cessation of the use in a short time scale difficult. JM considered that it was more likely in this case that ways of dealing with issues of nuisance, rather than refusal of planning permission would be considered.

The meeting ended at 8.30pm.