

SECTION '2' – Applications meriting special consideration

Application No : 13/00962/FULL2

Ward:
Chislehurst

Address : 51 Marlings Park Avenue Chislehurst
BR7 6RD

OS Grid Ref: E: 545504 N: 168478

Applicant : Mr G Kitchen

Objections : YES

Description of Development:

Change of use of premises from dwelling house with care provided (class C3) to care supported residential accommodation (class C2)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

This recently extended residential property was previously used as a small care home accommodating up to 5 elderly residents on the first floor, and 2 resident carers/managers on the ground floor, which fell within Use Class C3 (dwellinghouses). The property can currently be used as a small care home accommodating up to 6 residents on the first floor, with a night warden in a ground floor staff bedroom, which again falls within Use Class C3. Neither of these uses required planning permission as no material change of use of the property would occur.

Permission is now sought to change the use of the property from a Class C3 dwelling house with care provided into care supported residential accommodation falling within Class C2 (residential institutions). The only change in the way the property would be operated is the use of a ground floor meeting room as an additional bedroom with en-suite facilities, giving a total of 7 bedrooms which could be occupied by up to 7 residents.

Location

This detached two storey property occupies a corner plot on the corner of Marlings Park Avenue and Berens Way within a wholly residential area. It is bounded to the south by No.53, and to the rear by “Whitecroft”, Berens Way.

Comments from Local Residents

A number of letters of objection have been received from local residents, and the main points of concern are summarised as follows:

- a commercial care home use is unacceptable in a residential area
- property could be used for any type of Class C2 use if permission is granted, with an unrestricted number of occupants
- proposals would not satisfy Policy C6 of the UDP as there is no easy access to local shops, facilities and public transport to give the residents a degree of independence
- increased traffic from visitors to the property, resulting in increased noise and disturbance to nearby residents
- increased parking in adjacent roads.

A Ward Member lives close by and reiterates the objections received from residents.

Comments from Consultees

The Council’s Highway Engineer comments that a maximum of 3.5 spaces should be provided on site to meet the Council’s parking requirements, and as more than 4 spaces could be provided on the frontage, no highway objections are raised to the proposals.

Education, Care and Health Services support the proposals, and comment that the addition of a downstairs bedroom would help to accommodate a resident with poor mobility.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

- C6 Residential Proposals for People with Particular Accommodation Requirements
- T3 Parking

Planning History

This property was extended to the side during the 1980s (ref. 83/01516), and to the front in 1998 (ref. 97/03252).

Application ref. 11/00318 was submitted in February 2011 for the retrospective change of use of the property from a dwelling house (Class C3) to a residential care home (Class C2). However, the application was withdrawn prior to

determination as the use of the property at that time was not considered to constitute a material change of use from Class C3 to Class C2.

Permission was granted in November 2011 (ref.11/02642) for two storey and first floor rear extensions to the property along with elevational alterations, subject inter alia to the following condition:

“The premises shall only be used for purposes within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and in the event that care is provided, there shall be no more than 6 residents accommodated at the premises and receiving care at any one time.”

Conclusions

The main issues in this case are whether the proposed use of the property for care supported residential accommodation falling within Use Class C2, along with the increase in the number of residents from 6 to 7, would materially intensify the use of the property to the detriment of residential amenity.

Use Class C3 allows for the use of a residential property as a small community care home accommodating up to 6 people living together as a single household, where care is provided for residents. If this limit were to be exceeded by one or two residents, there would not necessarily be a material change in use requiring planning permission. This would only be the case where the total number of residents increases to the point where it could be said that the use has intensified so as to become of a different character, or where the residents no longer live together as a single household.

Currently, this property can lawfully be used as a care home for up to 6 residents and a night warden, therefore the addition of one further resident occupying a ground floor bedroom is not considered to significantly increase the intensity of use on the site, and would not unduly harm the amenities of nearby residents. In this regard, the applicant has agreed to the imposition of conditions restricting the use of the property to a care home and for no other purpose within Use Class C2, and limiting the number of residents to 7.

With regard to local concern, the applicant has also confirmed that the designated meeting room, which is now proposed to be used as the 7th bedroom, is not needed as meetings can take place in either the Manager's office or in one of the two living rooms.

Residents have also raised concerns that the proposals would not meet the requirements of Policy C6 of the UDP. This policy requires residential proposals for people with particular accommodation needs, such as care homes, to provide a high quality living environment for residents, and suggests that they be conveniently located for a range of local shops and services, including public transport, in order to give residents a degree of independence appropriate to their needs.

The extended property would clearly provide a high quality living environment for future residents, with adequate amenity space provided, although Members will need to consider the particular location of the property (with regard to proximity to local shops and services) albeit in the light of the current lawful use which accommodates 6 residents.

In conclusion, the proposals are not considered to have a seriously detrimental effect on the amenities of neighbouring residents, subject to the imposition of restrictive conditions regarding the use and the number of residents permitted.

Background papers referred to during production of this report comprise all correspondence on files refs. 83/01516, 97/03252, 11/00318, 11/02642 and 13/00962, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACJ01 Restriction on use (2 inserts) care supported residential
 accommodation C2

Reason: To safeguard the character and residential amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

- 3 There shall be no more than 7 residents accommodated at the premises and receiving care at any one time.

Reason: To safeguard the character and residential amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- C6 Residential Proposals for People with Particular Accommodation Requirements
- T3 Parking

The development is considered to be satisfactory in relation to the following:

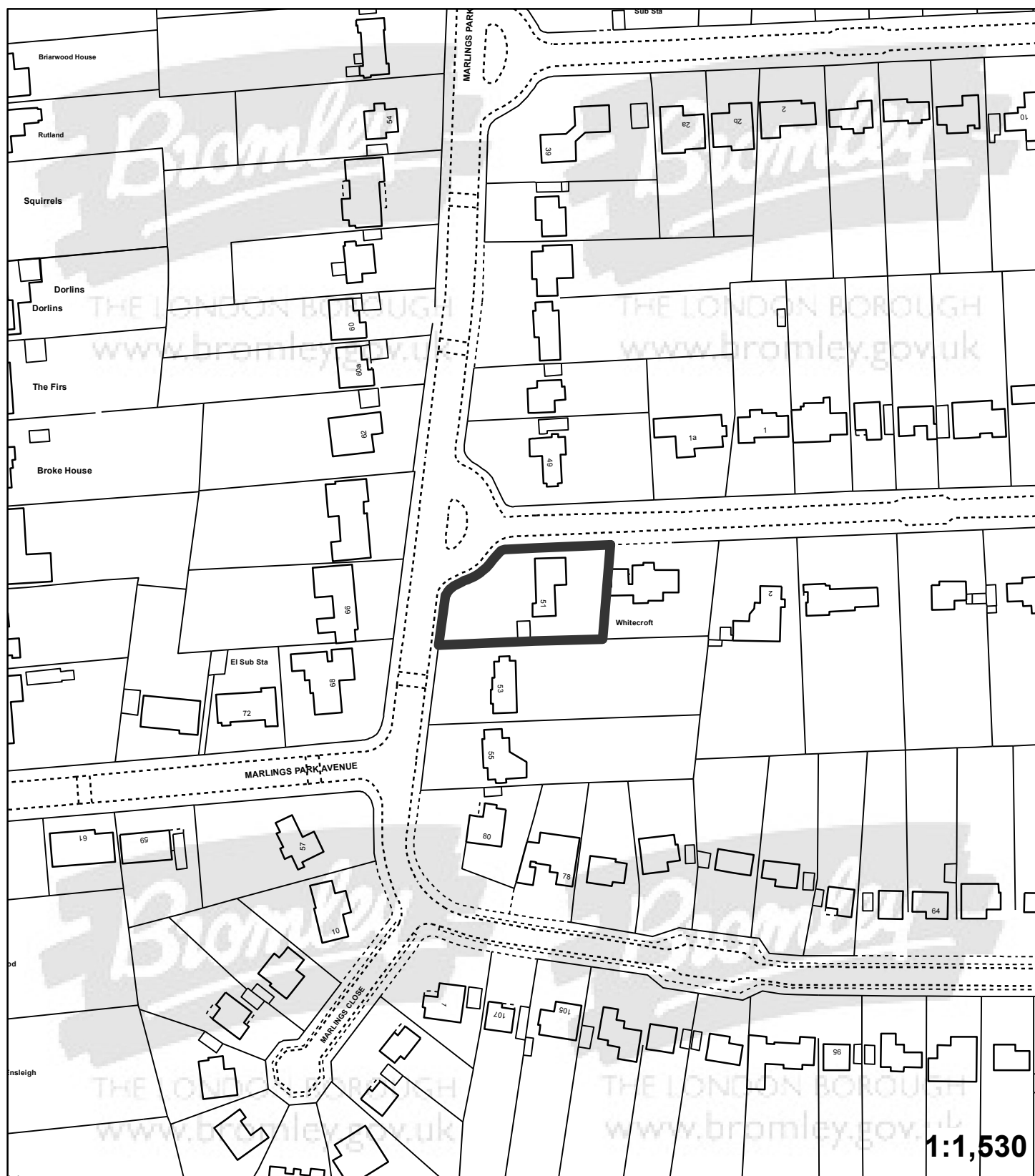
- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of nearby residential properties,

and having regard to all other matters raised, including neighbours concerns.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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