

SECTION '2' – Applications meriting special consideration

Application No : 13/02484/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 (Class C3) to residential institution involving the provision of residential accommodation and care to people in need of care (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 would require planning permission as no material change of use of the property would occur.

The property is currently being occupied as a residential dwelling, and permission is now sought to change the use to a residential institution involving the provision of residential accommodation and care to people in need of care (Class C2).

The ground floor would comprise an office, meeting room, communal lounge, kitchen, w.c's, and a staff bedroom with en-suite, whilst the first floor would contain 6 bedrooms, each with en-suite provision. The applicant has confirmed that the number of residents would not exceed 6.

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:

- the proposals would result in a busy commercial operation which is out of character with the wholly residential area
- overintensive use of the property which would cause noise and disturbance to neighbouring properties
- inadequate on-site parking provision to accommodate staff, carers, visitors, doctors, tradesmen etc which would lead to a traffic hazard
- the property is remote from facilities and public transport is poor, therefore the proposals are contrary to Policy C6
- the property could be used for any Class C2 use which may pose significant risks to security and crime prevention
- more than one resident member of staff would be needed to provide proper care for people with learning difficulties
- the previous care home use was of a much smaller scale than currently proposed.

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.

With regard to the accessibility of the site, it is located in a low (1b) PTAL area which indicates poor public transport links, although the 61 bus links Chislehurst, Orpington and Bromley.

Education, Care and Health Services support the proposals.

No objections are raised to the proposals from an Environmental Health point of view.

Planning Considerations

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

- C6 Residential Proposals for People with Particular Accommodation Requirements
- H4 Supported Housing
- 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."

Permission was refused in June 2013 (ref.13/00962) for the change of use of the premises from dwelling house with care provided (Class C3) to care supported residential accommodation (Class C2) on the following grounds:

"The change of use from dwelling house with care provided (Class C3) to care supported residential accommodation (Class C2) would result in an overintensive use of the site, inconveniently located from public services which would be out of keeping with the residential character of the area resulting in increased noise and disturbance thereby detrimental to the residential amenities of neighbouring properties, contrary to Policies BE1, H4 and C6 of the Unitary Development Plan."

An appeal against the refusal was lodged in July 2013, and the outcome is awaited.

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, to be occupied by up to 6 residents would result in an overintensive use of the property to the detriment of residential amenity.

The only change from the recently refused proposal is that a ground floor room would not now be used as a 7th bedroom, but as a meeting room, thereby reducing the total number of residents that could occupy the property from 7 to 6.

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. Therefore, this property can lawfully be used as a Class C3 care home for up to 6 residents and a night warden. Members will therefore need to carefully consider whether the proposed Class C2 care home for

occupation by up to 6 residents would materially intensify the use of the property to justify a refusal of permission.

With regard to concerns about the accessibility of the site to local services, Members will need to weigh up the particular location of the property with the permitted lawful use of the property as a care home accommodating 6 residents within Use Class C3.

In conclusion, the proposals are not considered to have a seriously detrimental effect on the amenities of neighbouring residents, subject to a restriction on 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, 13/00962 and 13/02484, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 The premises shall be used for a residential institution for the provision of residential accommodation and care to people in need of care 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 with or without modification).

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the residential amenities of the area.

- 3 ACK01 Compliance with submitted plan
ACK05R K05 reason
- 4 There shall be no more than 6 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.

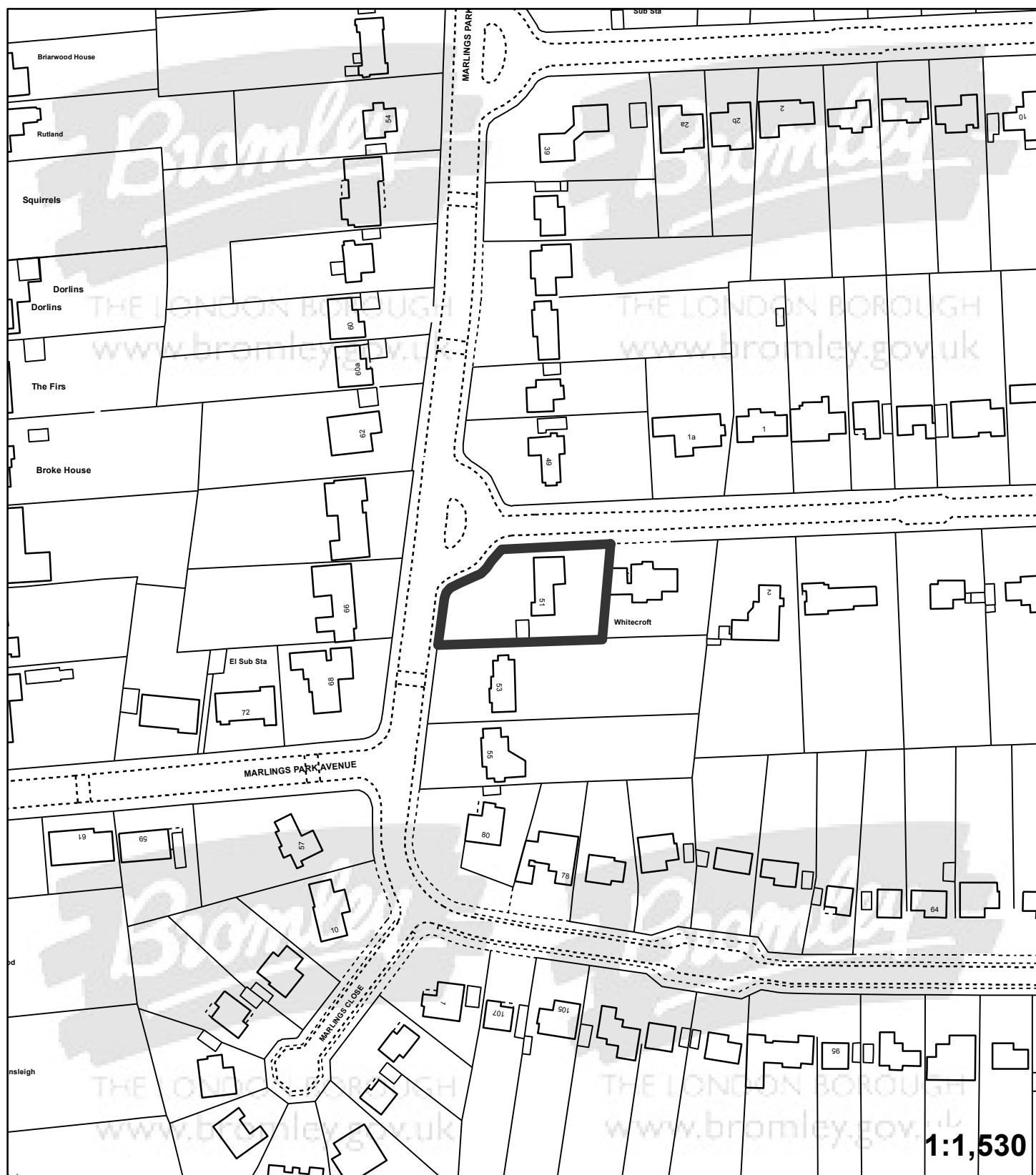
- 5 There shall be no more than 6 residents accommodated at the premises and receiving care at any one time.

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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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