

SECTION '2' – Applications meriting special consideration

Application No : 16/02352/FULL1

Ward:
Bromley Common And
Keston

Address : 29 Fox Lane, Keston BR2 6AL

OS Grid Ref: E: 541049 N: 164316

Applicant : Ms Emily Graham

Objections : YES

Description of Development:

Change of use from Class C3 (dwellinghouse) to Class C2 (residential institution) to allow use of the property as a children's home.

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Update

The application was previously recommended for approval but was deferred at planning sub committee No.4 on 11th August 2016, to seek the submission of a travel plan, confirmation that the home would not accept children from a violent or drug related background, details of how such a confirmation could be secured in planning terms and further information regarding the hours of operation and staff comings and goings. Following this deferral, further information has been received from Acorn Homes (the applicant) and officers have reconsulted Councils highways officers and children's services, in addition to the Metropolitan Police. The additional information can be summarised below.

In regards to a request for a travel plan, the information received from Acorn Homes relates to a staff rota which states that they aim to have a maximum of three staff on shift at any time resulting in a culmination of two staff cars being on site. In the accompanying supporting statement, Acorn Homes states that they will have two company cars to transport children which will not be present at the house for the majority of the week due to young people being at school or out on activities at the weekend. They also state that during school holidays, children will often go on vacation or return to their homes, resulting in quieter period than if a family of four lived in the property. They further state that all of the children are expected to be in bed by 10.30pm at the latest and what they are proposing is no different to a family of four residing at the property.

Council's highways officers were reconsulted on the additional information and their view remains the same that the property can accommodate 4 parking spaces,

and this would no different to a large family residing in a 5 bedroom property. They comment that the young people will go to school much the same as other household and the staff are reduced as they are not required. There are four car parking spaces and the applicant has confirmed that the number of cars will not exceed four. Further, Council's highways officers confirm that there is no requirement for a detailed travel plan as this is a very small development and there would be minor intensification traffic wise.

In regard to the types of children residing at the property, Acorn Homes have confirmed that they will not give residence to any young people who come from a background of gangs. In their letter of support they state that Bromley has numerous young people who are already involved in gangs locally as it stands so this would not be conducive to the development of young people in care. They agree to not accept gang members or those convicted of drug use or dealing and will not accept any young person with a conviction of GBH or ABH. However, there is no mechanism within the planning legislation that would be able to enforce this.

In discussions with Council's children's services they have confirmed that there is a need for more children's homes in Bromley for the age group 13 - 18 years. The Metropolitan Police were also consulted but provide no comments as the size of the development is less than ten residential units.

If Councillors are minded to approve the application, they may consider a personal permission related to the Managing Director, David Knowles at Acorn Homes, so that if they move from the site, the property would revert back to a single family dwellinghouse. In addition, Councillors could consider a time limit condition, which could be renewed if there are no issues. However the applicant has indicated in writing that this would not be acceptable to them due to the nature of the business as it could be potentially very unsettling for the children that would be living there and would be unfair to take this risk as a care company.

Following the deferral at committee a letter has been received from a local resident which supports the proposal to provide vulnerable young people with a safe and secure environment, thus giving them a better future.

An additional letter of objection was also received which fully supports the submission made to the committee on 11th August by a local resident including issues such as serious parking and traffic congestion caused by staff, managers, visiting therapists and regular deliveries. Reference is also made to a council refusal in 2003 for two semi-detached houses on the grounds that such a development 'would lead to conditions prejudicial to the free flow and general safety of traffic along that road where access should be kept to a minimum in the interests of pedestrian and vehicular safety.

The above additional information and representation letters have been carefully considered by officers, however the recommendation of approval subject to conditions remains the same for the same reasons as outlined in the main report repeated below.

Proposal

Change of use from Class C3 (dwellinghouse) to Class C2 (residential institution) to allow use of the property as a children's home.

The home that is proposed is for abused children or young people who have learning difficulties. Acorn Homes do not accept children who come from a background of gangs, violence or drugs. There will be up to four children, aged between 8 and 16, with two to three members of staff on shift when all children are at home.

No external works are proposed to the existing property.

Location

Detached four bedroom dwellinghouse on the corner of Fox Lane and Heritage Hill. The property has an existing two storey side/rear extension and a detached garage to the rear.

The property is surrounded by residential properties with green belt to the north of the site.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Dangerous steep hill and a number of hazardous blind spots
- Logistical problems of transporting children
- Anti social behaviour
- Existing limited parking
- Fox lane frequently used at high speeds - dangerous for children
- There are no parks, playgrounds or sports facilities near the development and no real amenities
- Limited garden area
- No walkways on Fox Lane
- Overcrowding school in Keston
- Noise and disturbance
- This business is not suited to a residential area

It should be noted that the above is a précis of the main themes of objection which have been repeated in different objectors comments. The full text of all representations received is available to view on the file.

Highways: There is a double garage and hardstanding to park more cars - no objection subject to conditions

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development

C6 Residential proposals for people with particular accommodation requirements

T3 Parking

No relevant planning history

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Principle of change of use

Policy C5 states that the Council will permit proposals meeting the requirements of vulnerable groups except where it can be demonstrated that such development would have a significant adverse effect on residential amenity.

The children's home proposed is for abused children at risk of sexual exploitation. Acorn Homes do not accept children who come from a background of gangs, violence or drugs. There will be up to four children, aged between 8 and 16, with two to three members of staff on shift when all children are at home. Children will be at a local school Monday to Friday, therefore only two members of staff will be on site during the day. It is common for children to go home at the weekend and, Acorn Homes is a sports and activities based organisation, who believe it is vital to take children out of the home and keep them active.

The applicant's agent has stated that they will be looking to employ nine people from the local community. This will consist of a Registered Manager, a Deputy Manager, two Team Leaders and five Support Workers. The role of the staff team is to ensure the children have the best possible upbringing and lead them in to semi-independence. All staff are given a vast variety of training to allow them to understand and help the young people in all ways possible. One company vehicle will be purchased that would be used to take the children to activities and school. Staff are encouraged to use public transport as much as possible, but there will only be 3 or 4 cars parked on site at any one time. The only exception to this would be if there was an important meeting at the house, where visitors would park on the road for a short period of time.

This subject site was chosen from due to its size and location within an established residential neighbourhood. It is a rural out of town environment which gives options for therapy, and a chance to break cycles of behaviour. The house is considered to meet the core aims of the applicants requirements in relation to the type of building considered suitable i.e. a large domestic style home and was also considered suitable as no structural alterations are required to accommodate this use.

The physical characteristics of the property will not change and therefore it would retain the capability of use as a dwelling in the future.

The site is located within a residential area, characterised by family housing. The proposed use is therefore considered appropriate in this location.

Impact upon character and appearance of the street scene

No external changes are proposed to the property and therefore there would be no impact upon the character and appearance of the street scene or the adjacent green belt.

Impact upon neighbouring amenities

No works are proposed to the existing building and there will therefore be no issues with regards to loss of privacy, outlook or sunlight/daylight to the neighbouring properties. A number of the objections received, relate to noise and disturbance. In many ways the proposed use is not significantly different from a relatively large family living in the house and this is considered entirely appropriate in a residential area such as this. There will be at least two trained carers on the premises. It is therefore not anticipated that the level of activity albeit four young people, would result in unacceptable noise or general disturbance to the neighbourhood. It is considered appropriate to limit the use to that described in the application and the number of children to a maximum of four. This can be controlled by a planning condition. The site is located within a residential area which is characterised by family housing and it is not considered that four children will cause undue noise and disturbance to the existing residents.

Highways and parking

The property has a double garage and additional hardstanding in front, to the rear of the property. This is considered adequate and Council's highways officer raises no objection.

The agent has confirmed that there will only be three to four cars parked onsite at any one time as this meets the normal expected traffic use and access faced by other large properties. The site has good access and visibility and the number of vehicle movements will be low and unlikely to lead to any more potential disturbance than if the property were occupied by a large family.

Conclusion

The proposed use as a children's home is considered appropriate in a residential area and there are adequate amenities nearby for occupants. The use is not expected to harm the amenity of neighbours by unacceptable noise and disturbance nor will it generate excessive or hazardous traffic movements. The proposal therefore complies with Policies BE1, C6 and T3 of the UDP.

Having had regard to the above, members may consider that the proposed use would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area or the adjacent green belt.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of adjacent properties

- 3 The premises shall be used for a children's 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 provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification**

Reason: In order that the Council may consider any other changes to the use, given the property's location and in the interests of the residential amenities of the locality.

- 4 No more than four children may be accommodated at the property at any one time.**

Reason: In order to comply with the terms of the application and to prevent an over intensive use of the site in the interests of the residential amenities of the locality.

- 5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.