

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr. K. Thakqar 'B'	Change of use from dwelling to home for people with learning difficulties - 47 Wellington Road, Bromsgrove	RES	B/2007/0573 07.08.2007

RECOMMENDATION: That subject to the satisfactory views of the CEHO and the WCC (HP), permission be **GRANTED**.

Councillor Mrs C Spencer has requested that the application be determined at Planning Committee (written request 25/06/2007).

Consultations

WCC (HP)	Notified 12/06/2007: Comments awaited
Environmental Health	Notified 12/06/2007: Comments awaited
Publicity	<p>Seven neighbour notification letters posted 14.06.2007 - re-notified 20.06.2007 with corrected description (expires 11.07.2007). Site notice posted 15.06.2007 expires 06.07.2007 Ten objection letters to date raising the following concerns:</p> <ul style="list-style-type: none"> • Commercial development would destroy residential nature. • Commercial operation is out of character in this location. • Traffic increase/car parking congestion/noise pollution concerns. • Increased noise/activity from property and within garden. • Concern that people with learning difficulties will have disabilities or personality traits that would cause alarm to neighbouring residents. <p>An objection letter from Cllr. Mrs. C. J. Spencer raising the following:</p> <ul style="list-style-type: none"> • Commercial development would destroy residential character of area. • Extra clarification as to exactly how many residents/carers there will be. • People numbers would be greater than those living in average household and consequently noise levels would create an unacceptable nuisance. This would also apply to the rear garden. • Lack of appropriate parking, which will also result in noise and disturbance to neighbour. • There are more suitable detached properties on the market.

The site and its surroundings

The application site relates to a three-storey semi-detached dwellinghouse located on the eastern side of the highway within an established run of residential development, characterised by a mix of house types and styles. The area is predominantly residential in nature.

Proposal

Planning permission is sought to change the use of a dwellinghouse under use class C3 to a home for people with learning difficulties under use class C2. The use will be for between six and eight residents at any one time. The residents would require four members of staff between 08:00 - 20:00 and two members of staff between 20:00 - 08:00 for supervision and care.

Additional information has been requested to clarify exactly what type of group will be using the proposed facility and the applicant has stated that the intended residents would be aged between 18 and 50 years approximately and categorised with learning difficulties and autism. The applicant notes that needs and requirements will vary from client to client but it is intended that they will go to a day centre or college during the day. If they don't attend either of these then depending on the level of care needed they will either go out to meet friends and family or if they are more dependant they will be taken out by a member of staff to the gym, swimming or other activity or simply for a walk and a coffee etc.

Relevant Policies

WMSS QE3
WCSP CTC1, T1
BDLP DS13, S28, S29, TR11
Others PPS1, PPS3, SPG1, SPG10, Circular 03/2005

Relevant Planning History

2003/1403 Pitch roof over existing flat roof/ roof terrace PG 12.07.04
2000/1084 Change of use to private residential use PG 18.12.00
1995/0642 Porch PG 20.09.95
1995/0430 Small store room PG 03.07.95
1992/0363 Covered corridor PG 18.07.92
1991/0671 Lean to conservatory PG 04.11.91
1991/0211 Change of use to No.49, extensions and alterations to link with No.49,
new parking and amenity area PR 20.05.91

Notes

Impact upon the residential character of the streetscene:

The change of use will not involve any physical alterations and should not therefore affect the external appearance of the existing building and the residential streetscene it sits within. As with many residential properties in suburban areas the 'soft landscaped' front garden has already been lost to hardstanding for the provision of vehicle parking.

I note that the majority of objections raise concern that the introduction of a commercial development will be harmful to the nature and character of the residential area. I note that the use will be predominantly residential and follows Government community care policy, which seeks to integrate people with learning difficulties or disabilities within mainstream society. PPS3 actively encourages mixed communities that have a variety of

housing, particularly in terms of tenure, price and a mix of different households such as families with children, single person households, older and disabled people. The residential neighbourhood will still have a solid base in single-family occupation and I am therefore content that the introduction of an alternative residential use will not have any significant impact upon the character of the area.

The C2 use class sought comprises of uses for the provision of residential accommodation and care to people in need of care other than a use falling within C3. The C2 Class includes hospitals, nursing homes, residential schools, colleges and training centres. I would therefore consider it prudent to condition the proposed use, which may be justified on the grounds that other uses within the same Class may be less acceptable at this particular property from an amenity or traffic point of view.

Fall-back position:

I note that a use similar to the proposal will fall within Class C3 (b) if at least one carer is resident within the building and all residents are living together as a household, otherwise the use would fall within Class C2. A use will still fall within C3 (b) if there is residential care with a carer living in full-time and looking after those in the premises who otherwise would be unable to live as a household. This Class was introduced for the primary purpose of providing a freedom from the need for planning permission for small scale multiple uses of dwellinghouses in accordance with the Governments community care policy.

The wording of Class C3 covers use as a dwellinghouse whether or not as a sole or main residence; a) by a single person or persons living together as a family; b) by not more than 6 residents living together as a single household (including a household where care is provided for residents). Interpretation of part b) of the class is to be found in Circular 13/87 which explains that a single household refers to a group of people living together under arrangements for providing care and support within the community, but also applies to other groups of people such as students, not necessarily related to each other, who choose to live on a communal basis as a single household. In a care situation requiring living-in carers, it is normally accepted living as a single household means that the carers and the cared for would live together as a family and share meals at same table and relax in the same living room etc. The applicant is unclear if this will be the case and there will be more than six people living together, nevertheless this should be noted as a fall back position.

To clarify Circular 13/87 states this would not be the situation in most conventional nursing or residential homes and this is largely reiterated in Circular 03/2005, which states that in the case of small residential care homes or nursing homes, staff and residents would probably not live as a single household; and such uses should therefore be regarded as residential institutions, regardless of the size of the home.

SPG10 Issues:

As the proposal is for a care home, which does not involve the creation of separate living units, the provisions of SPG10 do not apply in this case.

Residents Amenity:

I do not consider that the proposed use of the property for a residential home for people with learning difficulties or autism will create any significant noise or disturbance compared to a large family occupying the property. The property is semi-detached and your EHO has been consulted to gain views on likely noise disturbance to the other half of the semi. Members will be updated at Committee on the EHO's comments. I am mindful that the property used to be a nursing home prior to its conversion back to a dwelling, however I consider that this historic use has no bearing on this application. The applicant has confirmed that there are no plans to have a day centre at the property and the use and number of residents may be controlled by condition. The main vehicle movements would most likely be at shift change over for staff, which will occur at reasonable times of 08:00 and 20:00.

I note some residents concerns regarding the type of people using the home and the potential impact upon their amenity. I note residents' fears can be taken as a material consideration even when they are not rational or fact based. Nevertheless a balanced decision should be made and given the type of use proposed I would consider it unreasonable to refuse the application on the basis of public apprehension.

Highway considerations:

I note that parking is available on the property frontage, which is hardstanding. The expansion of the car park along the side of the property is likely to be unacceptable due to the potential impact upon the adjoining neighbour at No.45A. The applicant states that there will be 12 parking spaces however this may result in over-provision and it is hoped that sufficient parking can be accommodated on the frontage only. The Highway Engineer's views are still awaited and Members will therefore be updated at Committee regarding this element.

RECOMMENDATION: That subject to the satisfactory views of the CEHO and the WCC (HP), permission be **GRANTED**.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The number of persons receiving care at the premises shall not exceed 8 no. unless agreed in writing with the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amendment) Order 2005, the building shall only be used as a C2 care home unless otherwise agreed in writing with the Local Planning Authority.
4. A parking layout shall be agreed in writing with the Local Planning Authority. Parking spaces shall be marked out on site before the development is first used and thereafter retained for parking purposes at all times in accordance with that scheme.

Reasons:

1. Pursuant to the requirements of Section 51 of the Planning and Compulsory Act 2004.
2. To protect the amenities of the locality in accordance with DS13 of the BDLP 2004.
3. To protect the amenities of adjacent occupiers in accordance with Policy DS13 of the BDLP 2004.
4. In the interests of satisfactory and efficient parking in accordance with TR11 of the BDLP 2004.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3
WCSP	CTC.1, T.1
BDLP	DS13, S28, S29, TR11
Others	PPS1, PPS3, SPG1, SPG10, Circular 03/2005

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.