

Application Number: 12/00161/FUL

Change of use from residential dwelling (use class C3) to care home (use class C2) for use by up to 4 adults with learning difficulties

AT 24 Worrelle Avenue, Middleton, Milton Keynes

FOR Mrs Manyara Muyenziwa

Target: 4th April 2012

Ward: Middleton

Parish: Broughton & Milton Keynes
Parish Council

Report Author/Case Officer: Anna Holloway

Contact Details: 01908 252271 anna.holloway@milton-keynes.gov.uk

Head of Team: Andrew Horner

Contact Details: 01908 252609 andrew.horner@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

Detached dwellinghouse located on corner of Worrelle Avenue and Tanfield Lane. The property has a detached double garage with two independently accessible parking spaces to the front. On the opposite side of Worrelle Avenue is MK Village pavilion and sports ground. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

Change of use from residential dwelling (use class C3) to care home (use class C2) for use by up to 4 adults with learning difficulties. Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National and Regional Policy

National Planning Policy Framework paragraph ...

14. Presumption in Favour of Sustainable Development

2.2 Local Policy

Core Strategy

CS 10: Housing

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Development Proposals on Locality

T15: Parking Provision

C1: Location of Community Facilities

Supplementary Planning Guidance

Parking Standards for Milton Keynes SPG (2005)

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 The impact of the change of use on the character of the area, highway safety and convenience and neighbouring residential amenity.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

- 5.1 Saved policy C1 of Milton Keynes Local Plan 2001-2011 states that planning permission will be granted for residential community facilities within housing areas preferably in locations well related to local centres. The property is located approximately 400m from Broughton local centre on Tanfield Lane. The proposal is considered to comply with policy C1.

5.2 Character of the area

The change of use to a care home (use class C2) would, by virtue of its residential nature, have some similarities to a dwellinghouse. However the very fact that it sits within a separate use class means that there are distinct differences between the existing and proposed uses. As a result it is necessary to assess if there would be any impact to the character of the area. The property is located within a residential area with the pavilion and sports ground opposite. If permitted this would be the first dwellinghouse within this part of Middleton to be granted permission to convert to a non-C3 use. It is considered that the change of use of the application property to a small care home for up to four adults only would not have a significant impact on the character of the area.

5.3 Amenity of neighbouring residential occupiers

There would not be direct harm to neighbouring amenity by way of a loss of light or overbearing character as there are no external alterations or extensions to the building. The assessment therefore has to consider whether there would be any harm by way of activities resultant from the use. There is not considered to be any significant potential detriment to neighbouring amenity by way of noise from occupants. However, the proposed use does have the potential of creating a greater level of noise and disturbance than the use of the property as a single dwellinghouse as there would be people coming and going from the site potentially at a higher rate than would be expected for a single residential dwellinghouse; this would include staff, residents as well as other visitors, family etc.

5.4 An application for the change of use from private dwelling (use class C3) to residential care home for 5 adults with mild learning difficulties (use class C2) (application reference 09/02179/FUL) for 7 Colossus Way in Bletchley was refused in 2010. Application 09/02179/FUL was refused as the proposed development would, by virtue of intensified occupancy of the building, increased visitors to the site and inadequate parking and vehicle manoeuvring space on the site, materially alter the character of the densely populated housing area to its detriment and to the detriment of the amenity of existing residents. As a result the proposed development for 7 Colossus Way would be contrary to saved policy D1 of the Milton Keynes Local Plan 2001 - 2011. However, the current proposal should be considered on its own merits.

5.5 The proposal is for the property to be occupied by up to four adults with two carers operating on shift basis (one during the day and the other at night). Whilst large, the dwellinghouses are located close to one another; however, it is considered that the use of the dwellinghouse as a care home for up to four adults only would not result in a significantly increased level of noise and disturbance to justify a refusal of the application.

5.6 Parking and highways

There are existing parking issues on the surrounding roads associated with the pavilion and sports ground. However, the proposal meets the adopted parking standards and would have no greater parking requirement under the parking standards than the existing use (both the existing and proposed uses would require two on-plot spaces). Therefore, it is considered that the proposed development would not have a significant impact on the existing parking situation.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

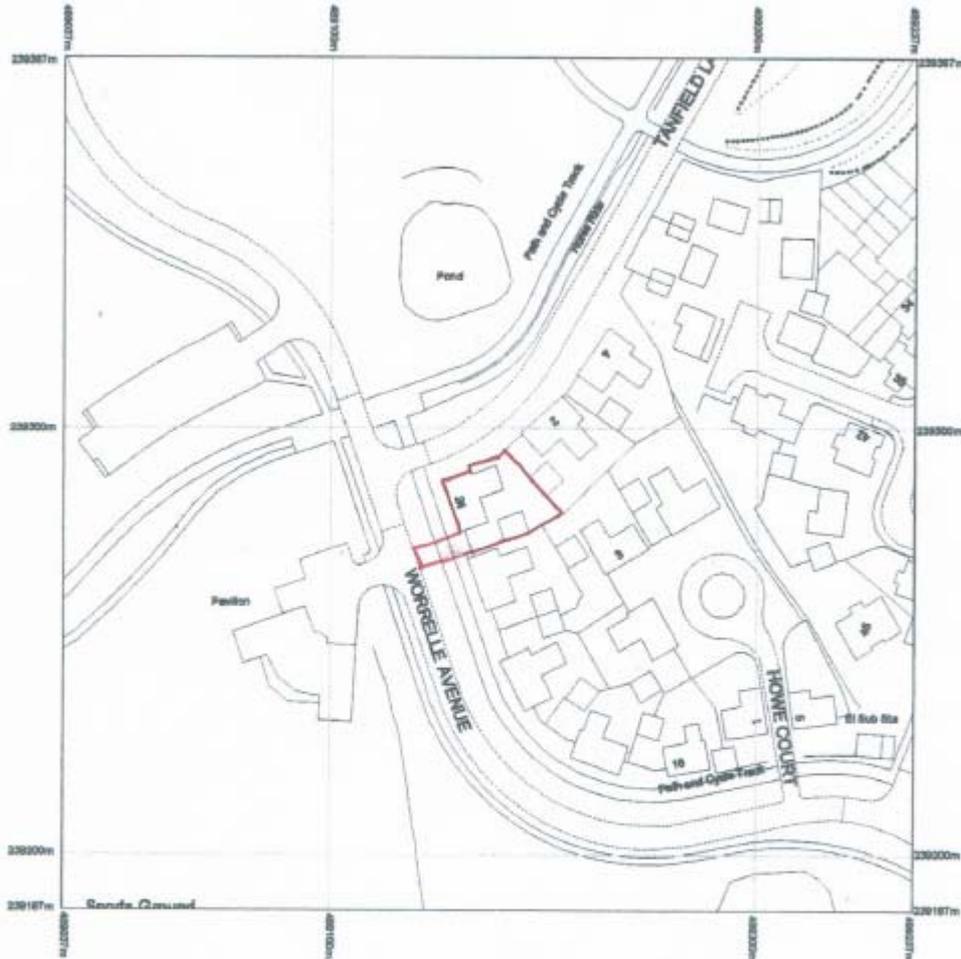
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The premises shall only be used as a care home for adults with learning difficulties and shall not be used for any other purpose within Use Class C2.

Reason: To protect the amenities of the neighbouring residential properties.

3. The number of care residents occupying the care home at any time shall not exceed four.

Reason: To protect the amenities of the neighbouring residential properties.



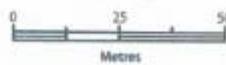
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Scale 1:1250

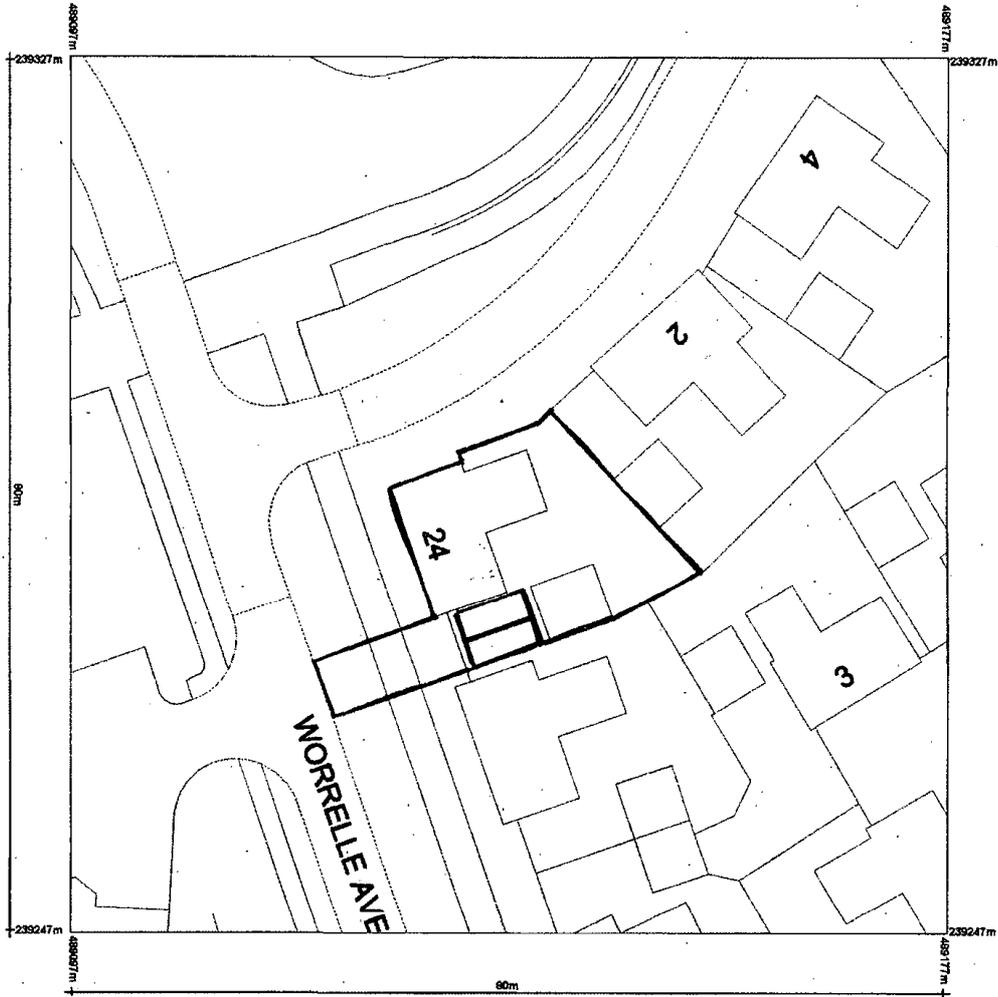


Supplied by: Getmapping
 Centre coordinates: 489137, 238287
 OS License Number: 100030848

CVP 01 Red line Plan
 24 Worrelle Avenue, Middleton

19/01/2012

S



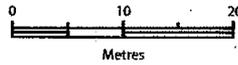
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Scale 1:500

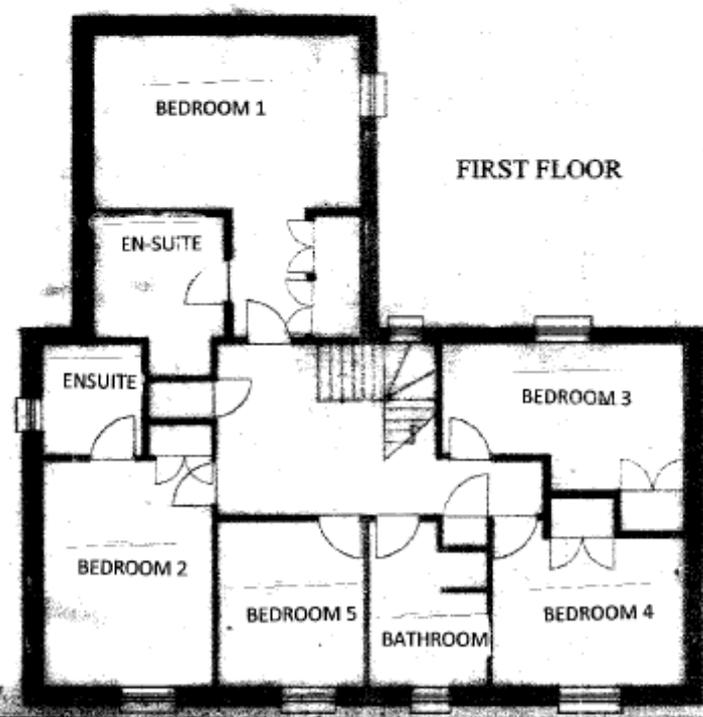


Supplied by: Getmapping
Centre coordinates: 489137, 239287
OS License Number: 100030848

CVP 03 Proposed Parking Layout
24 Worrelle Avenue, Middleton

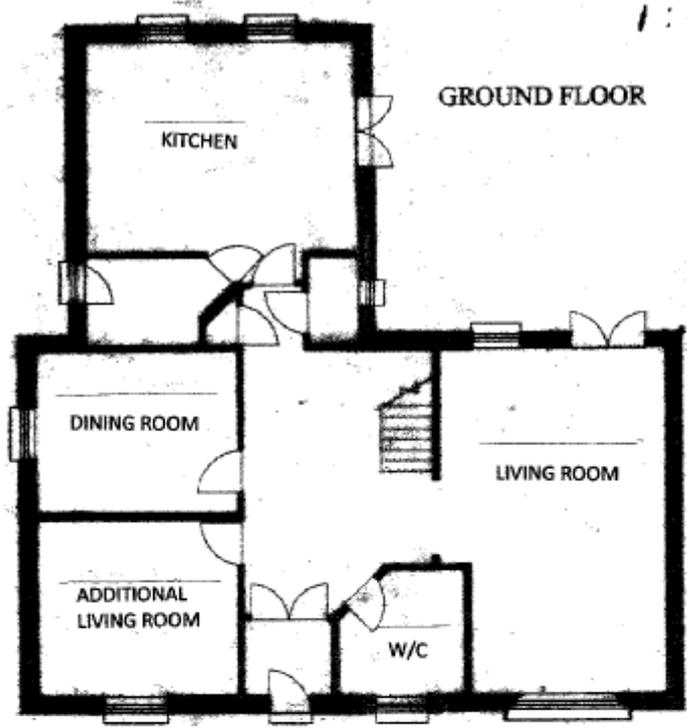
19/01/2012

1:100

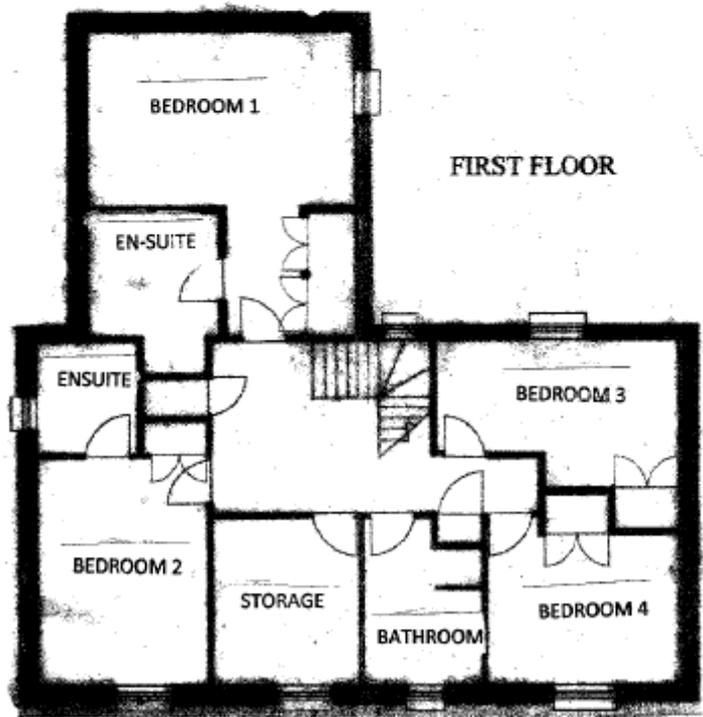


CVP 02 Floor Plans
24 Worrelle Avenue, Middleto
EXISTING

1:100



GROUND FLOOR



FIRST FLOOR

CVP 04 Floor Plans
24 Worrelle Avenue, Middleton

Appendix to 12/00161/FUL

1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

1.1 None

2.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

	Comments	Officer Response	Policy Reference
2.1	Highways Development Control It is an appropriate location for the proposed development. Whilst there are concerns regarding existing parking and traffic problems due to the pavilion the proposal would meet the parking standards which require 2 independently accessible on site parking spaces (1 space per 2 bed spaces for a C2 use) and therefore no objections. Recommend a condition to restrict the operation to no more than 4 adults.	The proposal complies with the parking standards. Recommended condition included within list at section 6.	MKLP D1 and T15 and Parking Standards SPG.
2.2	Local Residents The occupiers of the following properties were notified of the application: 3 Howe Court, 22 Worrelle Avenue and 2 Tanfield Lane in Middleton.		
2.3	Objections have been received from the occupiers of 3 neighbouring properties and from the lease holder of MK Village Pavilion. They comment that:		
2.4	There is already a major problem with parking along the verges of Worrelle Avenue and Tanfield Lane at the weekends when football matches are played or when there are major events being	See paragraph 5.6 of main report.	MKLP D1 and T15 and Parking Standards SPG.

staged due to insufficient parking spaces being available. Parking on the verges causes disruption to the flow of traffic and minor accidents. The proposed change of use would add to the parking problems as the proposed business would need parking for careers, health visitors as well as family and friends.

- 2.5 Current residents of the property already cause problems by parking on occasions within the pavilion car park (which is private). Concerned that visitors to the application property would constantly be using the pavilion car park. See paragraph 5.6 of main report. MKLP D1 and T15 and Parking Standards SPG.
- 2.6 Whilst the properties are large they are all set close together. This property has other family homes very close to it. Concerned with the level of noise and disturbance. Problems of noise and disturbance from previous residents using the garden. The proximity of the garden to neighbouring properties means that any noise, particularly at night, disturbs neighbours. See paragraph 5.3 above.
- 2.7 The pavilion has a bar selling alcohol. There can be general disturbances from pavilion customers outside late into the night. This would offer too great a temptation and a negative influence for those with learning difficulties. See paragraph 3.2 below.
- 2.8 The area is very busy with children with the recreation facilities being very heavily used by children. Any incident / disturbance would potentially impact a large number of innocent people. The children from the large local secondary school are often not that kind or understanding of others; there is the potential for abuse and See paragraph 3.2 below.

aggravation of and to the residents of the care home.

- 2.9 There is a major housing development planned near to the property. Construction works would create both noise and opportunity for misadventure for those not responsible or subject to the temptation of misadventure. Post development, the area will be even more busy and congested. See paragraph MKLP C1 5.1 above and 3.2 below.
- 2.10 The area contains 5/6 bedroom family dwellinghouses many of whom have young children. Concerned about the impact of having a number of adults with learning difficulties living in close proximity to my property. See paragraph 3.2 below.
- 2.11 The proposed change isn't in the original plan for this area and therefore a proper consultation with everyone affected should be conducted. The notification of the application was in accordance with the Council's practices.
- 2.12 Would create a business thus changing the nature of the building and the character of the street. The proposal is for a C2 use and is therefore classified in planning terms as a residential institution and not a business use.
- 2.13 It would contravene a covenant that the houses must not be used for business. Covenants are not material planning considerations.
- 2.14 A similar application was rejected for 5 Howe Croft backing onto my property (22 Worrelle Avenue). There are no records of planning applications for a change of use for the properties on Howe Court to the rear of 22 Worrelle Avenue.

3.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

- 3.1 The application property is considered to provide sufficient space for bin storage and drying areas as well as outdoor amenity space to cater for the proposed use of the property.
- 3.2 Concerns have been raised regarding the potential occupiers of the care home and whether this is the correct location for adults with learning disabilities in terms of the residents of the care home and the character of the area. It should be noted that apprehension of fear is in itself capable of being a material consideration. However, the intention of care homes of this nature is for the residents to live in a normal residential environment and, subject to a condition for the use to be limited to a care home for adults with learning disabilities and no other use falling within use class C2, the location is considered acceptable.