Committee Date: 27/06/2013 Application Number: 2013/02560/PA
Accepted: 12/04/2013 Application Type: Full Planning
Target Date: 07/06/2013
Ward: Moseley and Kings Heath

13 Oxford Road, Moseley, Birmingham, B13 9EJ

Change of use from dwelling (C3) to residential care home (C2)

Applicant: Mr Philip Meade
Beverley House, 527-529 City Road, Edgbaston, Birmingham, B17 8LL

Agent:

Recommendation
Approve Subject To Conditions

1. **Proposal**

1.1 Planning permission is sought for the change of use from a dwelling house (Use Class C3) to a residential care home (Use Class C2).

1.2 The ground floor would consist of dining room, living room, bathroom, kitchen, shower room and one bedroom. The first floor would consist of four bedrooms, office and bathroom. The second floor would have three bedrooms and a bathroom. A rear garden measures 960sqm. There is a large drive to the front capable of providing parking for six cars.

1.3 The 8 bed care home would operate in conjunction with Beverley House, a 24 bed rehabilitation house for women suffering from mental illness. Patients would move from Beverley House at City Road, Edgbaston to the application property after rehabilitation to facilitate a move back to the local community. It would assist in providing residents with independence and confidence. Residents will be involved in external activities such as courses, voluntary work and social activities. Internal activities would include psychology sessions and development of social skills.

1.4 The use will be staffed 24 hours a day with six full time staff. A Manager would be on site at all times accompanied by two staff during the day and two at night. A weekly visit would be made by a psychologist and there would be ad hoc visits by psychiatrist, occupational therapist, nurses and psychologists. The care home would be run by Choice Lifestyles who are registered by the Care Quality Commission.

1.5 The applicant states that the property currently operates as a care home for six residents within the C3 use class; however I consider that the level of care provided does not constitute this and is operating as a C2 use without the benefit of planning permission or a Lawful Development Certificate.

2. **Site & Surroundings**
2.1. The application site is located on the eastern side of Oxford Road close to its junction with Ascot Road. The property is a large three storey Edwardian semi-detached property with large drive and garden. The area is mixed in character with a large number of dwellings converted to flats and other residential institutions. Moseley Neighbourhood Centre lies to the north of the site. The application site lies within Moseley/Sparkhill Area of Restraint.

3. Planning History

3.1. No recent relevant history

4. Consultation/PP Responses

4.1. Local Ward Members, Residents Association and local residents consulted – Nine letters of objection received including one from the Moseley Society as summarised below;

- Quiet residential area
- Local policy for Moseley states no more care homes
- Too many care homes
- Lack of family accommodation
- Within Area of Restraint
- Unsuitable location near schools and nurseries for women with mental health problems
- Proper security and soundproofing needed
- Residents cause damage to property
- Lack of consultation

4.2 Regulatory Services – No objection but advise that the applicant considers the requirements of Department of Health ‘Health Technical Memorandum 08-01 Acoustics’

4.3 Transportation Development – No objection

4.4 Older Adults Commissioning Team – No response

4.5 Birmingham Public Health – No response

5. Policy Context

5.1. NPPF, Birmingham UDP (2005), Draft Birmingham Development Plan (2010), Specific Needs Residential Accommodation SPG, Places for All SPG, Places for Living SPG, Moseley/Sparkhill Area of Restraint

6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on residential amenity, visual amenity, highway safety and parking and whether the principle of the proposal is in accordance with policies of the Development Plan.

Policy
6.2. Policy 3.8 of the UDP recognises the need to protect and enhance what is good in the city's environment and improve what is less good. Proposals which would have an adverse impact on the quality of the environment will not normally be allowed. UDP policies 8.28-8.29, sets out the Council's policy on residential care homes. It states that proposals should not cause demonstrable harm to the amenities of neighbouring residents, there should not be a concentration of such institutional uses in residential areas such that the residential character of the area would be eroded, proposals should not prejudice highway safety, and there should be adequate parking and rear outdoor amenity space.

6.2 Specific Needs Residential Accommodation SPG states that these types of accommodation are more suited to large detached properties where there would be no harm to residential amenity. It contains guidelines for amenity space and bedroom sizes.

6.3 Policy 17.32 identifies the Moseley/Sparkhill Area of Restraint. This is an area consisting of large Victorian and Edwardian houses many of which have been converted into flats and bedsits and others to institutional uses such as care homes and hostel accommodation. Within this area further change of use from C3 dwelling houses are to be resisted as they may adversely affect the character of the area. This is also an area where there is a demand for family accommodation.

6.4 Notwithstanding the application site being located within the Moseley/Sparkhill Area of Restraint it is considered that the proposal is acceptable. The area of restraint policy dates from 1992 and it is therefore somewhat out of date and based on old survey data. I consider therefore the most relevant policy is 8.28 – 8.29 of the UDP and whether there is a cumulative harmful impact on the character of the area.

6.5 It is noted that 56% of original dwellings between St Mary's Row and School Road on the eastern side of Oxford Road have been converted to flats, care homes and HMOs. The western side of Oxford Road, which incidentally falls outside of the Area of Restraint all remain in use as family dwelling houses. In the past two years this has been the first application for a change of use out of C3 to one of the aforementioned uses within this Area of Restraint. It is noted that two applications have been received and approved to change flats back to single family dwelling houses in Forest Road and Blenheim Road in the Area of Restraint and 2 Oxford Road (outside of the Area of Restraint) has recently been granted permission for a change of use from a hostel to a family dwelling house.

6.6 It is considered that should there have been demand for such accommodation for the uses restricted by the Area of Restraint then houses on the opposite side of Oxford Road would have been subject to a high number of conversions. I would consider that there is not a current trend for conversions of properties to care homes in this area that would give rise to a harmful precedent. The property still has the appearance of a family dwelling and no internal alterations are proposed, allowing easy conversion back to a family dwelling in the future. With flat conversions this would generally see more bins on the frontages, more cars and movement and it is considered that this type of conversion would have the potential to have a more harmful impact on the character of the area. Conversely this would have limited car use and is a well-cared for property.

6.7 I note that the house is being used for six residents at the moment. Although the applicant states this falls within the C3 Use Class it is considered that based on the level of care provided that the house has been operating as a C2 use for some time
without resulting in any harm. It is therefore considered that the principle of the change of use is acceptable.

Neighbouring Residents’ Amenity

6.8 UDP policy states that it is preferable to use detached properties for the proposed use. The property is semi-detached. The adjoining neighbour states that there are issues with residents causing damage to the property. However, I would consider that by virtue of the size of the property and its garden, the number of residents, and its regulated management, that it would be unlikely to result in harm to residential amenity through noise and disturbance.

Site occupiers’ Residential Amenity

6.9 Specific Needs Residential Accommodation SPG recommends 15sqm for each bedroom within these types of accommodation. Bedroom sizes range from 14sqm to 21sqm, there are also communal areas. On this basis I consider appropriate accommodation would be provided. Specific Needs Residential Accommodation SPG recommends 16sqm of outdoor amenity space to be provided per bedroom. Approximately 960sqm of useable garden space is provided to the rear which equates to 120sq.m per resident. I consider that the proposal therefore provides satisfactory living conditions. Regulatory Services have raised no objection to the proposal.

Highway Safety and Parking

6.10 It is not considered there will be any notable change resulting from this development in terms of the levels of traffic & parking demand generated by the site. A large existing frontage driveway area accommodates six vehicles. In addition, it must be acknowledged this location, close to central Moseley, has excellent public transport links. Transportation Development therefore does not raise any objection to the proposal.

Visual Amenity

6.11 No external alterations are proposed and the property would remain residential in character and appearance. It has been noted that the property has been subject to external refurbishment and assists in improving the visual character of the area.

7. Conclusion

The proposal would not result in any harm to visual or residential amenity, highway safety and parking and is therefore considered acceptable.

8. Recommendation

8.1 Planning permission is approved subject to the conditions listed below.

1 Requires the scheme to be in accordance with the listed approved plans

2 Limits the approval to 3 years (Full)

Reason for Approval
Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:


Case Officer: Emily Summers