

Planning Statement/Supporting Information

Ref: 126 Shroffold Road Bromley BR1 5NJ existing use.

This document addresses the relevant facts that apply to the proposed use of 126 Shroffold Road Bromley BR1 5NJ in relation to the following; Introduction; description of site and surrounding area; relevant planning history and current lawful use/council tax details; description of proposed use and layout of dwelling house; legislative framework as our grounds for the application; external appearance of the building appearance; access, parking, transport links as facilities; and conclusion

1. Introduction

Section 20 Children Act 1989

Under Section 20 of the Children Act 1989, a child or young person may be accommodated by the local authority

A local authority may provide accommodation for a young person over 16 at their own request even where a parent or person with parental responsibility objects.

The Statement provides additional information relating to this change of use application made under Section 192 of the Town and Country Planning Act 1990 as amended for the existing use of 126 Shroffold Road Bromley BR1 as a residential care home for a young person over 16 but in need of some care.

The application is submitted to the Local Planning Authority to certify that the existing use is not materially different to the original previous lawful use of the subject property, and that no planning permission would be required.

The application is submitted via Planning Portal and accompanied by the plans and documents listed here.

1. Existing Floor Plan
2. Existing first floor plan
3. Existing second floor plan
4. Front elevation
5. Side elevation
6. Rear elevation
7. Location plan 1 : 1250
8. Planning statement and
9. A planning fee

Current use of 126 Shroffold Road commenced in August 2015.

The property has been and will continue to be used as a single property with individual bedrooms, and shared facilities for a maximum of 2 places for young people with complex needs, up to and including age 17 years (who are Looked After Children - Children Act 1989) + staff providing care and support.

Children (up to the age of 17 years) are placed by local authority children's social care teams with OwnLife under contracted arrangements.

Examples of such arrangements:

Initials of child/young person	Year of service provision	Placing local authority
R.H	2016	LB Lewisham
S.M	2018	LB Lewisham
A. B-O	2017	LB Lewisham
F. D	2021	LB Lewisham

The required service provided to LB Lewisham includes accommodation and support provision with priority outcomes in areas such as
 Providing stable and consistent support for our Looked After Children
 Be healthy and active
 Raise achievement and attainment
 Staying safe
 Contractual expectations are set out in local authority's service frameworks or individual placement agreements.

The applicant has been working in the care home industry for a number of years, providing specialist care and support to children both boys and girls.

The existing use consist of the category of children living together as one household

2. Description of site and Surrounding Area

The application site is no 126 Shroffold Road Bromley BR1 5NJ in the London Borough of Bromley. This is a two storey terraced dwelling house (end of terrace type) with converted loft space (Second floor) – Class C3, containing bedrooms at first and second floor level – one bedroom per floor with living room and kitchen, with living room, home care room at ground floor level. The property has one bathrooms/WC one on the first floor and the shower-room on the ground floor and in loft space. The dwelling house is large enough to provide accommodation for up to 3 children living together as a single household or even up to 6 people living together as a family

The property is well set back from Shroffold Road. There are one existing car parking spaces to the front driveway. It has a good sized rear garden for use as a private amenity area.

The surrounding areas is residential in character

The site is not in a conservation area and the property is not listed.

3. Relevant Planning History and Current Lawful Use/Council Tax Details

Site history shows two applications:

2015 - **DC/15/091324**|The construction of an extension to an existing single storey side extension at 126 Shroffold Road, BR1 5NJ

2023 - That planning permission was refused under application reference

DC/23/131745 Decision date 21-June-2023.The description of the proposal under that reference was

DC/23/131745|Application for a Lawful Development Certificate (proposed) submitted under Section 192 of the Town & Country Planning Act 1990 (as amended) and Classes A, B and C of Schedule 2, Part 17the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction a single storey rear and side extension and rear roof extension with three roof lights to the front roof slope, together with change of use Certificate of Lawfulness (Proposed) for the change of use of the premises from Class C3(a) (single family dwelling) to Class C2 (residential home for up to three children or young people at 126 Shroffold Road, BR1

Following that refusal, the use of the property has not been reverted to a single family dwelling house C3 and planning permission was not required to that effect. This is supported by the submitted existing floor plan layouts of a normal single family household, showing 5 bedrooms at first floor level with a bathroom/toilet, and a living room, dining room, study room, kitchen and toilet on ground floor level. No extra letter boxes or door bells are present, which further suggest the property has been in use as a single family dwelling house C3. As such this current lawful Use C3 is the only known lawful use of the subject property.

The Council tax band details for the property, taken from valuation office website

<https://www.gov.uk/council-tax-bands>, have revealed that, the subject property has always been classified as domestic, indicated by Council Tax band D and Lewisham Local Authority reference number: 07580012600003 Council - Tax band D

Mixed-use property - a residential property also used for business.

It should be noted that Use Class C3 has been subdivided into C3 (a); C3 (b) and C3(c) following recent amendments to The Town and Country Planning (Uses Classes) Order 1987. The relevant to this application is use Class C3 (b), which will be discussed in much more detail in the later section of this document.

4. Description of Existing Use and Layout of Dwelling House:

This application is for a Certificate of Lawfulness for the existing use of 126 Shroffold Road, BR1 5NJ as a Residential Care Home C3(b) up to maximum of 2 places for young people with complex needs, up to and including age 17 years will be cared for, and would be living at the property as their principal residence.

Current use of Shroffold Road commenced in August 2015.

The property has been and will continue to be used as a single property with individual bedrooms, and shared facilities for up to 2 residents (who are Looked After Children - Children Act 1989)

+ Staff providing care and support.

Section 20 of the Children Act 1989

Children (up to the age of 18 years) are placed by local authority children's social care teams with OwnLife under contracted arrangements.

A child who has been in the care of their local authority for more than 24 hours is known as a looked after child. Looked after children are also often referred to as children in care, a term which many children and young people prefer.

In general, looked after children are:

- living with foster parents
- living in a residential children's home

A child stops being looked after when they turn 18. However local authorities are required to support children leaving care at 18 until they are at least 21

A local authority must not provide Section 20 accommodation for a child under the age of 16 if any person with parental responsibility objects and wishes to provide accommodation. However a local authority may provide accommodation for a young person over 16 at their own request even where a parent or person with parental responsibility objects.

The child becomes looked after under a Section 20 arrangement and is a looked after child but is not in care.

The internal lay-out of the existing dwelling house will not be altered or changed on the interest of the existing and future use. The bedroom is a relatively large size that complies with internal floor standards required by the Care Quality Commission [CQC] England. Two kitchens serves two accommodations and the home care room serves as a small office associated with the proposed use of the subject property.

It should be noted that, whilst two service users living at the property, would be and brought together because of their common need for supported living, the living environment within the dwelling would remain unchanged from existing. The day-to day living facilities such as: bathroom, kitchen and living room, would be shared. In addition, they would be eating their main meals together at the dining table, and socialising together as one single family.

The cooking and general maintenance of the house would mainly be the responsibility of the employed carer, albeit, all service users will be encouraged to actively join in with preparing and making their own drinks and snacks as part of development of new skills to promote independent living

One home care as staff is employed on an hourly rate work pattern

5. Legislative Framework as our Grounds for the Application

The subject property is self-evidently an existing single dwelling house, designed for residential purposes and containing facilities for cooking eating, sleeping and living normally associated with its use as a dwelling house. This has been demonstrated from the submitted floor plans. The use of the subject property as a dwelling house accordingly falls with Class C3 of The Town & Country Planning (Use Classes) Order 1987 as amended by The Town & Country Planning (Use Classes) (Amendment) (England) Order 2010 (Si2010/653) came into force on 06 April 2010. The effect of the 2010 amendment was to amend Class C2A; introduce a new Class C4 and to further sub-divide Class C3.

The use Class Order (As amended), defines Class C3 as “Use as a dwelling house”

(Whether or not as a sole or main residence) by:

- (a) A single person or by people to be regarded as forming a single household;
- (b) (b) not more than six residents living together as a single household where care is provided for residents
- (c) Not more than six residents living together as a single household where no care is provided to residents (other than use within Class C4)

Class C3 now specifically includes separate reference to a household of 6 or fewer people where no care is provided for residents [Class 3(c)].

Whilst the Order now makes more specific references to the different types of dwelling house uses, it should be noted that the subdivisions still remain within the overall Class C3, and permission is not required for a change between any of the subdivisions of the Class.

As the subject dwelling is to be occupied by 2 residents living together as a single household where some care is provided by a carer on site, it is contended that the existing use of the subject property would fall within use class C3(b)

It should however be noted that the subdivisions still remain within the overall Class C3 and there is no change of use involved between C3(a) previous use and C3(b) existing use, as such planning permission is not required for a change between any of the subdivisions of the Class.

6. External Appearance of the Building

The external appearance of the subject property would remain unchanged

(No changes are proposed on front, side or rear elevations as shown on the drawings)

As such, no requirement to submit any elevation plans with this application.

7. Access, Parking, Transport Links and Facilities:

In terms of access, there will be no requirements for any adaptation to the subject property in regards to wheel chair access provisions such as ramps. The access to the site from Shroffold Road will also remain unchanged.

In terms of parking, the subject property benefits from one off-street car parking space to the front drive way, and we do not have plans for any additional parking provisions.

Transport links and facilities the property is located in close proximity to

Schools: Greenvale School Waters Road, New Woodlands School 49 Shroffold Rd

Food shop - Co-op Food - Downham Way 431-435 Downham Way
Leisure - Downham Health & Leisure Centre 7-9 Moorside Rd

The property is also in close proximity to public modes of transport such as bus
At Northover Shroffold Road (Stop H&R) 124 and 284 lines
The nearest train station is Grove Park Baring Rd (0.9 miles)

8. Conclusion:

It is contended that the original past use of the subject property was within Class C3(a) of the use Class Order and existing use of the subject property falls within Class C3(b) of the use Class Order

As both uses are in the same use Class C3 a change of use from one to the other would not amount to development, in accordance with section 55(2)(f) of The Act. Planning permission is accordingly not required for the existing use, which could lawfully place within the subject premises and a Lawful Development Certificate should therefore be granted

It is hereby requested that a Certificate of Lawful Development be granted for the existing use of 126 Shroffold Road, BR1 5NJ, as a dwelling house to be occupied by 2 children with complex needs, up to and including age 17 years and both living together as a single household

Note:

Town and Country Planning Act 1990
UK Public General Acts 1990 c. 8 Part III
Meaning of development Section 55
Meaning of "development" and "new development".

(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.