

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.09.2010		
Application Number	W/10/02222/FUL		
Site Address	38 Delamere Road Trowbridge Wiltshire BA14 8ST		
Proposal	Change of use from dwelling to office and staff training facilities		
Applicant	Safe Care		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Adcroft	Unitary Member:	Tom James MBE
Grid Ref	385923 158585		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 5107 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Tom James has requested that this item be determined by Committee to address the issues relating to car parking and the relationship of the proposed use of the site to the adjoining properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses

7 letters/emails received objecting to the proposals

1 letter enquiring about the proposal from the Local Member of Parliament

Town Council Response

Object to the application as set out in section 7 of the report

2. Main Issues

The main issues to consider are:

Neighbouring amenity.

Character of the property and immediate area.

Highway considerations.

Employment Policy.

3. Site Description

38 Delamere Road is a detached bungalow constructed from reconstituted stone with concrete interlocking roof tiles. The property is located within a residential area and is sited at the northern end of Delamere Road, which is directly approached via Islington.

4. Relevant Planning History

None.

5. Proposal

The proposal is for a change of use of the premises from that of a dwelling to office use and premises for staff training.

The property currently has three bedrooms, a kitchen, a living room and a conservatory to the rear.

Although no building works are proposed, the rooms would have their own specific uses and would include the following:

Bedrooms 1 and 2 would become training rooms.

Bedroom 3 would be used for storage.

The living room would be used as an office.

The conservatory would be used as a disabled consultation room.

The bathroom and kitchen would retain their respective uses.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C31a Design

C38 Nuisance

E4 Employment

7. Consultations

Trowbridge Town Council

Object to the application, stating that this is inappropriate development in a residential area.

Highways

No objections and make the following points:

- The available on site parking is sufficient to meet the guidelines for a building of this size.
- Satisfied that the scale of the proposed operation is sufficiently small, so as to be acceptable.
- The implementation of the proposal would not significantly increase vehicular movements from its existing use.

Environmental Health - Protection

No objections

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 13 August 2010.

Summary of points raised:

A fifty signature petition objecting to the proposed change of use has been received.

Six letters and emails of objection were also received, with one member of the public writing in twice, raising the following points:

- The site is for residential use only and is not suitable for the intended change of use.
- The deeds of the properties in Delamere Road do not allow for a business use.
- If planning permission were to be given, it would set a precedent for other properties to do the same.
- Government guidance states that there is a nationwide shortage of housing, therefore it would be contrary to policy to lose a dwelling, which would be the case if the change of use were to be allowed.
- The property is undergoing internal works, such as the installation of new double glazed windows, new central heating boiler and outside security lighting. Mail is being delivered addressed to "Safe Care". It is seen that the applicant is expecting an approval.
- The property would be vacant at night which would create a security risk.
- The intended use of the property would create noise and affect neighbouring amenity.
- The site is 100metres away from where social housing is intended to be built and it is anticipated that vehicles from this housing would use Delamere Road to park on.
- Highway safety reasons relating to motorists using Delamere Road as a short cut and as a "Rat Run" whereby wheelchair users would find it difficult to cross the highway.
- People use Delamere Road to park their vehicles, often on both sides of the road, including double yellow lines, this causes highway and delivery problems.
- There is inadequate parking provision for the intended number of people using the property, as shown by the application form.
- The proposed plans show facilities for a disabled consultation room, but no provision is shown for disabled parking.
- The previous owner of number 38 used to have carers visit her, who would park on the highway.
- If this application were to be approved, this use of the property would greatly add to an excessive increase in vehicular traffic in Delamere Road.
- It is only a matter of time before the whole of Delamere Road has double yellow lines.

A letter of enquiry about the intended change of use has been received from the Local Member of Parliament.

9. Planning Considerations

The prime issues with this application can be categorized as follows:

9.1 Neighbouring amenity.

Any noise and activity levels which may be generated by the intended use are unlikely to cause detriment to the amenity of the neighbouring residents, as number 38 is a detached building set in its own grounds and separated from its immediate neighbours by distances of 2.4 metres and 5.5 metres on each side of the property respectively. Likewise, having considered potential nuisance issues, the Environmental Health section of the Council has raised no objections.

9.2 Character of the property and the immediate area.

There are no plans to either extend or alter the external appearance of the property, as the proposal relates solely to the use of the building. This being the case, the proposed use would have no impact on the character of the building or the immediate area.

9.3 Highway Considerations.

A significant proportion of neighbours objections focussed on concern over highway related issues, as detailed within part 8 of this report. The Highways Officer raised no objections and is satisfied that the principle of the proposal is acceptable.

The views of the Highway Officer are supported because the property has a wide driveway with available parking for several vehicles and Delamere Road is wide enough to accommodate parked vehicles, where there are limited restrictions. Furthermore, on road parking appears to be freely available in day time hours and is only at a premium in the evening when the offices will be shut.

9.4 Employment Policy.

A material consideration of this application is the fact that provision is made within the West Wiltshire Development Plan Framework for possible employment sites, which are located outside of employment policy areas.

The relevant policy is employment policy E4 which states that a change of use of a previously developed urban site will be acceptable provided that the following criteria are satisfied:

A The proposed development does not harm the amenities enjoyed by occupiers of adjoining properties;

B The proposed development does not harm the character, appearance or environment of the site and its surrounds;

C The development is readily accessible by foot, bicycle and public transport;

D The development makes adequate provision for car parking and access.

Paragraph 9.1 of this report relates to the issue of amenity, whereby for the reasons discussed it is considered there would be no harmful impact on amenity. The proposed use would not alter the exterior of the building or its surroundings and the site is easily accessible by foot, bicycle and public transport, as it is located relatively close to the town centre. With regard to the final criteria, number 38 makes adequate provision for car parking and access and the Highways Officer has raised no objections.

The proposed use is therefore compliant with Policy E4.

9.5 Other Matters

The consultation process has raised other issues, such as those relating to the private deeds of covenants of properties within Delamere Road. It is understood from residents that there is a covenant restricting business use of the residential dwellings, however such matters are private civil issues and consequently are not valid planning considerations and cannot be taken into account. The concern of setting a precedent for business use is unfounded as each and every planning application is judged on its own individual planning merits.

With regard to the argument that the change of use would be contributing to the housing shortage by the loss of one dwelling, there are no provisions in place for the Local Planning Authority to regulate such matters and conversely policy E4 makes provision for the proposed change of use. It is understood from residents that the applicant is carrying out certain internal works to the property, including the replacement of the existing conservatory and windows, prior to the granting of planning permission. Details of the replacement conservatory have been supplied, which together with the other minor works can be carried out to the property under its permitted development rights as a dwelling.

As a point of information and in response to the various comments raised through the consultation process, the applicant has responded by making the following points:

- Safe Care carers provide a service to people in their own homes, where the initial assessment is carried out and service users would not visit 38 Delamere Road.
- The main use of the property would be that as an office with the applicant spending 75% of her time there for that use.
- All visiting staff will be instructed to park on the premises and not the highway.
- There is an error on the application form in that the parking of vehicles would be for four cars, which may need to be increased to six.
- The premises are not being used for business purposes.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

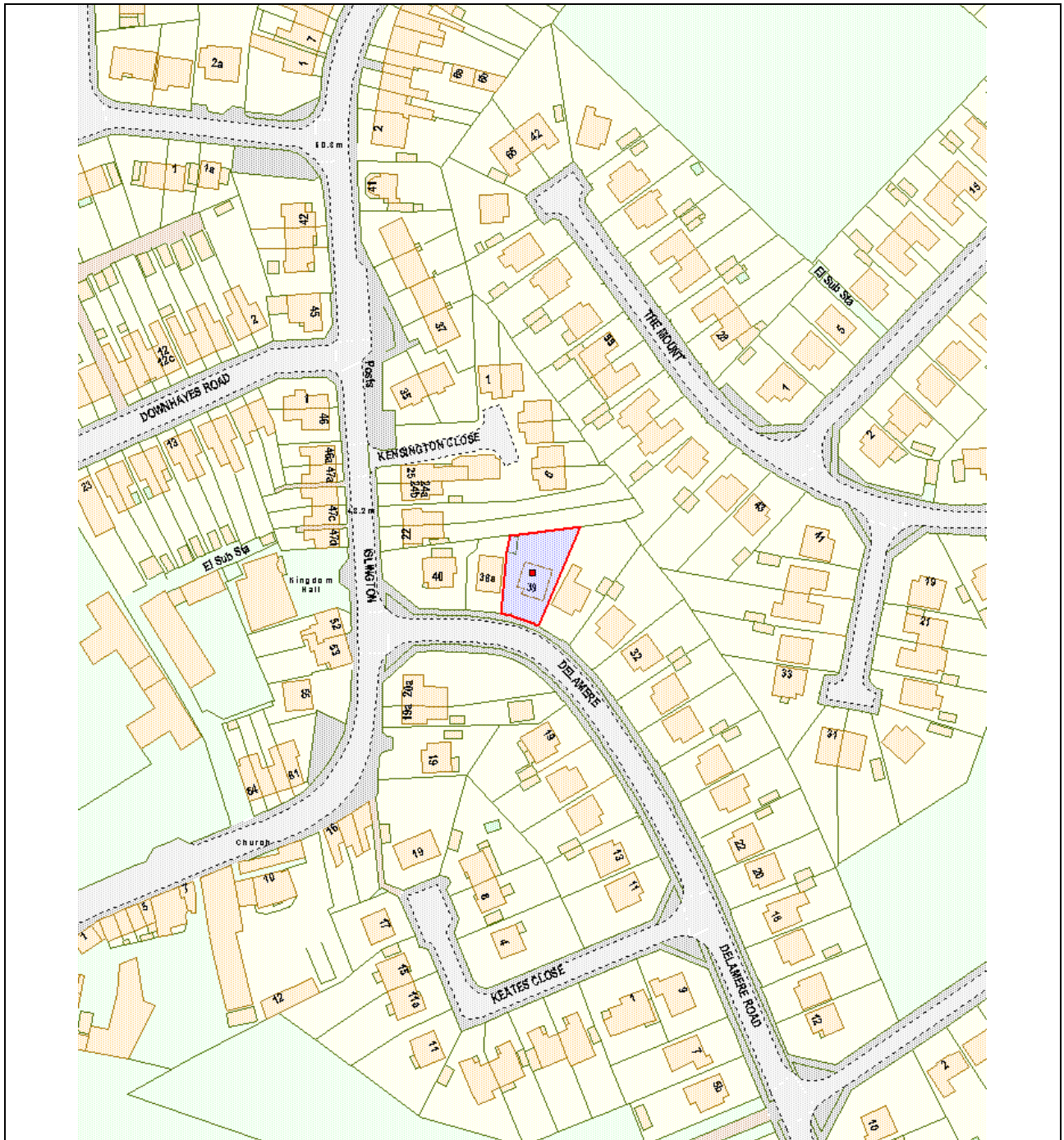
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The site shall be used for A1 office use and D1 staff training and for no other purpose (including any other purposes in Classes A1 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

- Drawing : SITE LOCATION PLAN received on 15.07.2010
- Drawing : EXISTING FLOOR PLAN received on 16.07.2010
- Drawing : PROPOSED FLOOR PLAN received on 16.07.2010