

<b>Date of Meeting</b>	16 <sup>th</sup> December 2010
<b>Application Number</b>	E/10/1330/FUL
<b>Site Address</b>	Melbourne House The Nursery Devizes Wiltshire SN10 2AB
<b>Proposal</b>	Change of use from residential use (C3) to a Resource Centre for children and families (Sui Generis)
<b>Applicant</b>	Wiltshire Council
<b>Town/Parish Council</b>	DEVIZES
<b>Grid Ref</b>	399922 161699
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Cosker

### Reason for the application being considered by Committee

The application has been called to committee at the request of the Division Member Cllr Carter.

### 1. Purpose of Report

To consider the recommendation that the application be approved subject to the conditions set out.

### 2. Report Summary

The main planning issues to consider are:

- the impact on highway safety and convenience;
- the impact on neighbour amenity;
- the impact of the proposed use on the listed building.

The Town Council has objected to the application on the grounds of the limited access, lack of parking facilities and that the change of use is inappropriate within the residential area. A total of 14 letters of objection have been received from local residents.

### 3. Site Description

Melbourne House is a Grade II listed building sited on the south side of the Nursery (which is the name for the part of the main A361 outside of the site) some 60m to the east of the entrance to Browfort. Vehicular access to the site is from the A361 via a private driveway between two terraces of houses, Farleigh Place to the west and Melbourne Place to the east.

Melbourne House is large 3 storey dwelling constructed of ashlar under a slate roof. A two-storey red brick annex was added in 1981. The house is orientated in a such way that it 'turns it back' on the dwellings on The Nursery with the main aspect to the south facing towards the Kennet and Avon Canal. The dwelling's garden extends down to the canal whilst the Quakers Meeting Room is situated on a lower level to the west of the site and a group of three modern dwellings (Melbourne Mews) are sited to the east, taking advantage of the views of the canal.

### 4. Planning History

Relevant planning history includes;

**K/83/250** – Planning permission was granted in 1983 to change the use of the building from a hotel (granted pre-1973) to a residential care home.

**K/34912** – In 1997 planning permission was then granted to change the use of the building from a care home to residential. The use has since remained as a single dwelling.



Site location

## 5. The Proposal

The proposal is to change the use of this residential dwelling to a resource centre for children and this will include associated highway alterations on the A361. The proposal is not to use the building as a residential home; instead the primary use of the building will be as a multi-use non-residential resource centre. The applicants do however wish to use the annex building for temporary overnight crisis accommodation for children.

The non-residential use of the building will include the use by Family Support Teams (FST) to manage contact between children and their parents when children have become accommodated by the local authority. The Crisis Intervention Service (CIS) will also use the centre as an office base during regular office hours and a neutral venue for meetings with parents and children. Finally, the Looked After Children (LAC) Aftercare Team will have a 'hot desk' provision within the resource centre.

The proposed highway alterations on the A361 include localised widening of the pavement to improve visibility for vehicles exiting from the drive to Melbourne house. These alterations have been amended during the course of the application and these changes will be fully explained in section 9 of the report.

## 6. Planning Policy

PPS5 sets out the government planning policy on the historic environment.

Kennet Local Plan - policy PD1 sets out general development principles covering issues such as neighbour amenity and highway safety.

## 7. Consultations

Devizes Town Council – object to the application on the grounds of the limited access, lack of parking facilities and that the change of use is inappropriate within the residential area.

Wiltshire Council Highway Officer – Previously expressed concern about the nature and the width of the access but advises that the proposed alterations to the access and adjoining highway now included will help to address those concerns. Given the specific use of the building and the fairly low level of traffic generation, it is considered that the revised access arrangement will not give rise to significant problems at the junction with The Nursery. In view of this, no objection is raised to the proposal, subject to the highway works being undertaken and the provision of at least six parking spaces on the site. The highway authority has confirmed that the amended highway alterations are also acceptable to them.

Wiltshire Council Conservation Officer – Advises that it is generally acknowledged that the best and least damaging use for a building is that for which it was originally designed. However, if the issues relating to fire protection can be resolved without damage to the historic fabric or character of the building, then there are no reasons for objection on conservation grounds. The immediate alterations made explicit within the application are uncontroversial. The stone gate piers that stand at the street entrance are good quality historic street features that must be retained but are in a fragile state and efforts should be made to put them in a good state of repair before the use of the access is intensified.

Wiltshire Council Environmental Health Officer – No adverse comments.

## **8. Publicity**

One letter of support has been received which supports the house having a new secure lease of life. A total of 14 letters of objections have been received from local residents. The issues raised in these letters have been summarised below. The letters can be viewed on the planning file or on-line.

1. This is inappropriate development in a residential area with many residential properties in close proximity.
2. The Nursery is a busy thoroughfare used by HGV's, emergency vehicles, public transport and commuters and the current layout allows people to turn right into Belle Vue Road and Browfort without holding up traffic. Narrowing the carriageway will lead to a serious problem with traffic flow.
3. The narrowing of the pedestrian island for the crossing could prove dangerous particularly to families with buggies.
4. The access drive is very restricted and onto a very busy road with a service station, a public house, bus stop and traffic crossing within a space of 100 yards, together with several turning off the main road, both to private houses, but also the Council offices and a doctors' surgery.
5. The creation of an access route for just one building does not warrant the long-term impact on transport entering and leaving Devizes.
6. Two on road parking spaces were removed by highways, presumably because it presented an unacceptable obstruction to traffic. If one bottleneck has been removed why is another one now being proposed?
7. The widening of the pavements seems to be tantamount to encouraging an accident.
8. Not convinced that the changes will be of benefit at the site access and three other accesses as claimed. Widening the pavement will make manoeuvring into and out of Melbourne Mews more difficult.
9. The existing pavement is already adequate as it is used by people going to the school without a problem, there are also only a few people waiting at the bus stop so further widening there is also unnecessary. This is an unnecessary expense when the existing arrangement is adequate.
10. There are six busy traffic entrances on this stretch of road, any increase in cars emerging onto the A361 will increase the chance of an accident.
11. We have open plan back gardens and the use will leave us vulnerable.
12. There would be ample opportunity to observe the rear of neighbouring houses and potentially raise the chance of 'opportunistic' theft.
13. Previous experience of such uses has shown the need for CCTV and police services to deal with problems yet we don't have a police service nearby to react.
14. It is apparent that Melbourne House will be used as a residential establishment contrary to the initial plans.
15. Some of the 'children' would be in the 18-21 age range therefore 'children and adults' would be a better description.
16. Don't understand how the council can pay out so much money at the time of cost cutting.
17. Why is the council buying and altering additional properties when they already own other more suitable premises which do not require costly roadworks.
18. There are already suitable facilities elsewhere in the county.
19. Why are we transporting people from Salisbury to Devizes?

20. The house is a beautiful listed building and to render it a home for troubled individuals is inviting an affront on local heritage.
21. Special regard should be given to the desirability of preserving listed buildings and their settings.
22. Feel privacy would be compromised from the large side window in the new brick extension of Melbourne House.
23. The house has a balcony that has a wide view into a neighbouring garden.
24. A residential home for troubled families will seriously affect the value of all surrounding houses.

## **9. Planning Considerations**

The application property is currently in residential use and the site is located within the limits of development of Devizes. There are no planning policies that protect the loss of residential use, neither are there specific policies that rule out the principle of the proposed use on the site. The key issues for this application therefore relate to the criteria of policy PD1, namely the impact of the proposal on highway safety and neighbour amenity, as well as the national policy in PPS5.

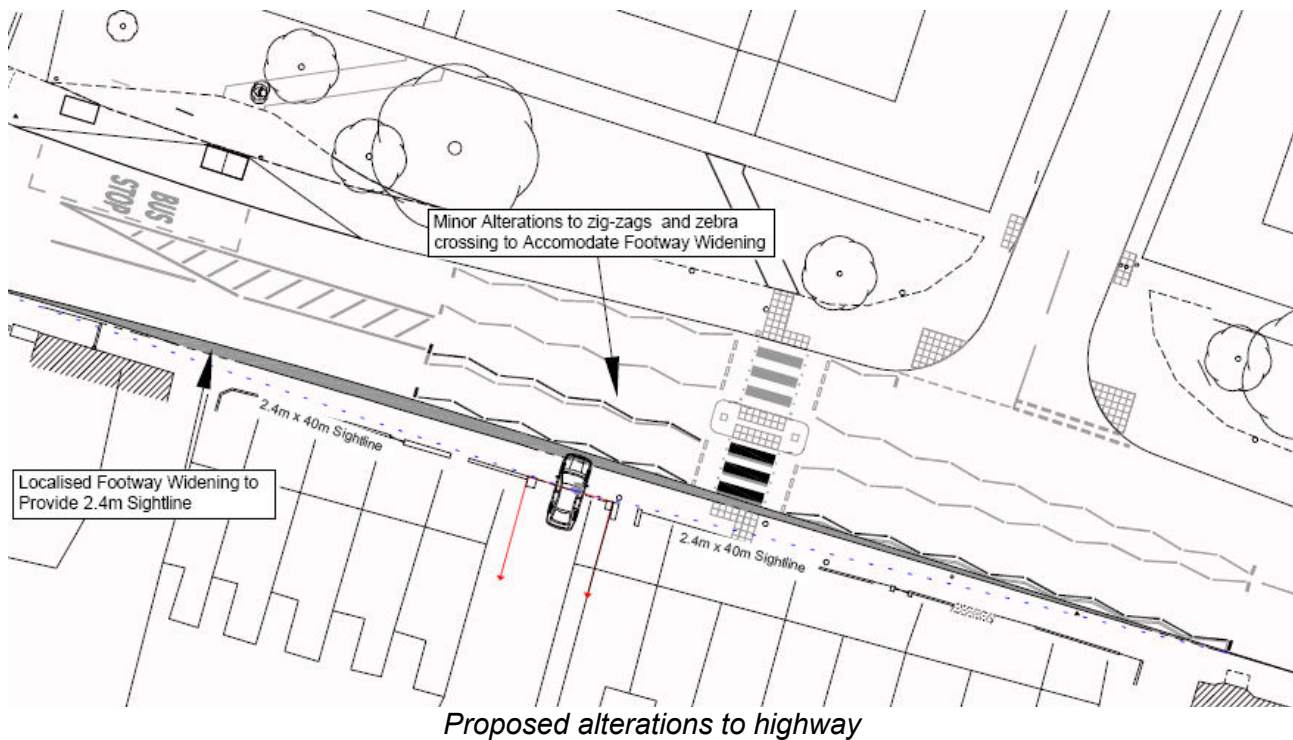
### Impact on highway safety

The highway authority originally raised concerns about the acceptability of the access to Melbourne House for the proposed use, both in terms of the width of the access but also the visibility for drivers exiting onto the highway.

The applicants have subsequently explored options to undertake various works to create an acceptable access arrangement for the property. In the first instance it is proposed to remove the planting strip along one side of the driveway to give a wall-to-wall width of approximately 5 metres. This is sufficient for two cars to pass one another. The applicants also propose alterations to The Nursery to improve the visibility for cars leaving the driveway.

The original proposals involved increasing the pavement width and reducing the carriageway width along the southern side of The Nursery in the vicinity of the site. Those proposed works included reducing the width of the pedestrian island on the crossing from 2.4 metres to 1.8 metres. The purpose of this work was to achieve the required 2.4 metre by 40 metres visibility splay out of the driveway; improve the inter-visibility between pedestrians and vehicles exiting the driveway and to provide space for pedestrians to pass stationary vehicles exiting the driveway.

Local residents raised a number of concerns about these works and the impact they would have on the highway safety of motorists and pedestrians as well as the impact on the flow of traffic in the vicinity. The specific concerns were that the reduced carriageway width would worsen the operation of the highway and the flow of traffic by way of its proposed narrowing. They also considered that the reduced width of the pedestrian island was unacceptable. The highway authority initially raised no objections to these proposed alterations. However, following the concerns raised by local residents the applicant has submitted amended proposals to reduce the amount of works required to the highway and address the issues raised by local residents. These latest amendment are shown on the next page of this report.



The applicant now proposes to reduce the amount of highway works by only increasing the width of the pavement to 2.4m, instead of the previously proposed 3m, and the increased width will only be carried out over about 80m of the pavement, rather than the previously proposed 145m. The carriageway space for eastbound traffic is unchanged over what exists at present and the westbound carriageway would have a minimum width of 3m. There is no change to the width of the right turn lane into Belle Vue Road and the width of the existing pedestrian refuge is unchanged.

As advised in section 7 of this report, the highway authority consider that these alterations to the highway are acceptable and are still sufficient for them to raise no objection to this proposal. As such officers consider that there are no valid highway reasons to refuse this application.

Impact on neighbour amenity

Many of the local residents objecting to the proposal believe that either the application is for a residential children’s home, or that this is the council’s intention in the long term. They are concerned that if this application is approved, the council will then start using the building as a residential home. In the first instance, the application is clear in that it is for a non-residential children’s resource centre and that the only proposed residential use is for overnight crisis accommodation where temporary overnight stays are required. Any further residential use of the building would require a further planning application.

Therefore, in considering the potential impact the proposed use could have on the amenities of the occupiers of the neighbouring residential properties, members should note that the majority of the activity at the premises would be during normal office hours. The facility will be operated on a managed basis where client contact sessions are by appointment only and that risk assessments are undertaken at one of the council’s premises prior to arrangement of appointments. A skeleton staff from the CIS would be required until 22:00 and also at weekends whilst the CIS would also operate the emergency overnight accommodation. This use would be restricted to the annex building and would provide temporary emergency accommodation for children. This would occur when attempts to return children to their parent’s care has not been achieved by the end of the working day or the children need to be found accommodation outside of normal working hours. OFSTED regulations and the Children Services’ procedures would require a member off staff to be on site when a child is present at the centre. The applicant advises that current records show that an overnight stay is likely to be on average one stay every 3-4 weeks.

Whilst the Town Council and local residents have stated that the proposed use is inappropriate in a residential area, the uses in the locality are in fact quite mixed including a public house, a petrol

station, office and the Quakers meeting room. In addition, when considering the likely impact the proposed use would have on the residential amenity of the occupiers of the neighbouring houses, regard must be had to the fact that the main road generates a considerable amount of disturbance to those residents. It is therefore concluded that the daytime use of this site would cause no additional demonstrable harm to those occupiers and that neither would the low level of activity on the site in the evening and at weekends.

Officers have considered possible planning conditions that could be imposed to control the type and level of activity that could take place on the site. In accordance with Government guidance, those conditions must be reasonable, precise and enforceable. It is considered that, excluding the emergency overnight accommodation, a condition could be imposed restricting use of the site to between 0830 and 2200 Monday to Saturday with no use on Sundays or Bank Holidays. Whilst the applicants have advised that evening and Saturday use will be very limited they do want flexibility to use the ground floor of the building on some occasions between 1800 and 2200 and on Saturdays to allow various groups to meet or training to take place. It is considered that any attempt to control this element of the use by condition would be both unnecessary and the condition would also be imprecise.

In addition, in order to restrict the amount of residential accommodation on the site and to ensure the use is only on a temporary basis, planning conditions could be imposed restricting the overnight crisis accommodation to the annex building; for there to be no more than 2 children and 3 staff members present at one time and for no children to stay more than 3 consecutive nights. These conditions will prevent any possibility of the use becoming a residential children's home without planning permission.

Occupants of Melbourne Mews have raised concerns about the loss of privacy as a result of the use of the annex building and the overlooking opportunities from a first floor landing window in the eastern elevation and from the balcony at the southern end of the annex. The window affords views of the frontages of the adjacent dwellings including the front windows of Melbourne Mews, whilst users of the balcony have a clear view into the garden of 3 Melbourne Mews. The window and balcony therefore already have an impact on the privacy of the occupiers of those neighbouring dwellings. The change in the use of the building from a domestic dwelling to the resource centre could result in a greater impact on the privacy of the neighbours due to the nature of the proposed use and the increased number of people using the building. Having regard to these concerns the applicant has agreed that the window will be glazed with obscure glass and maintained fixed shut whilst access to the balcony will also be restricted so that it is only used in emergencies as a means of escape. It is considered that these measures will ensure there is no unacceptable loss of privacy for the occupiers of those neighbouring properties.

The issue of crime and the fear of crime have been raised by some local residents and such issues are material planning considerations. However in this instance, the use of the site will be managed at all times, with clients visiting on an appointments basis only and staff will always be present when the emergency accommodation is used. It is on that basis that it is considered that these concerns would not justify the refusal of the application.

#### Impact on the listed building

As stated above the application property is a grade II listed building. The council therefore has to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The conservation officer accepts that the works proposed as part of the application would not have an unacceptable impact on the listed building. Concern was raised about the potential impact of alterations to the building that may be required to meet fire regulations for the change of use. The implication of the change of use have since been explored with the council's building control section and they have confirmed that their only requirement will be for a protected fire route to be created down through the three storey stairwell. This will require the provision of a smoke detection system and the upgrading of the fire resistance of the doors serving the stairwell. Whilst there are a number of historic doors within the stairwell there are specific products on the market that allow such doors to be upgraded without causing harm to the historic interest of those doors.

It is therefore considered that the necessary upgrades can be undertaken to facilitate the change of use without having a detrimental impact on the listed building.

In addition, it is considered that the proposed use of the building and the associated car parking provision within the grounds would preserve the setting of the listed building.

## **10. Conclusion**

Having regard to the above issues it is concluded that the proposed use will be acceptable in terms of highway safety, neighbour amenity and impact on the listed building.

## **RECOMMENDATION**

### **Approve for the following reasons –**

The decision to grant planning permission has been taken on the grounds that the proposed development would not have any adverse impact on the amenity of residents of neighbouring properties, due to the specific nature of the use proposed and the conditions attached to the planning permission. Highway safety would be secured by the proposed alterations to the access and the A361 and the provision of adequate parking facilities on site. Furthermore, the use proposed and the alterations to the property that are required would not have any adverse impact on the character or appearance of the listed building. Accordingly, the proposal is in accordance with policy PD1 of the Kennet Local Plan and with Government guidance set out in PPS5.

### **and subject to the conditions set out below;**

- 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 Prior to the first use of the building for the use hereby permitted the highway improvement scheme shown on drawing IMA-10-080-005 Rev A shall be implemented in full.

REASON: To ensure the necessary increase in visibility is provided for vehicles exiting the site.

- 3 Prior to the first use of the building for the use hereby permitted the existing strip of vegetation along the eastern side of the driveway shall be removed and that land shall be resurfaced using a properly consolidated surface (not loose stone or gravel) at the same level as the existing driveway. The strip of land shall be maintained in that form thereafter.

REASON: To ensure the increased width of driveway is achieved in order to create an acceptable form of vehicular access for the proposed use.

- 4 Prior to the first use of the building for the use hereby permitted sufficient space for the parking of at least six vehicles together with a vehicular access thereto has been provided in accordance with the details first submitted to and approved in writing by the local planning authority. The said space shall not be used other than for the parking of vehicles or for the purposes of access.

REASON: To ensure adequate provision is made for parking within the site in the interests of highway safety.

5 Other than for the activity and the persons associated with the overnight crisis accommodation (which are subject of the restrictions set out in condition 6) the resource centre shall be closed to all staff and clients outside of the hours of 0830 to 2200 Monday to Saturday and the centre shall be closed to all staff and clients on Sundays and Bank Holidays.

REASON: In the interests of neighbour amenity.

6 Only the annex building, and no other part of the house, shall be used for the overnight crisis accommodation. There shall be no more than 2 children and 3 staff using the annex for overnight crisis accommodation at any one time and no child shall stay in the overnight crisis accommodation for more than 3 consecutive nights.

REASON: To ensure the amount of residential accommodation on the site is limited and only for a temporary period in the interests of neighbour amenity.

7 Prior to the first use of the building for the use hereby permitted the landing window at first floor level on the east elevation of the annex building shall be altered so that it is glazed with obscure glass only and the window shall be permanently maintained with obscure glazing and fixed shut at all times thereafter.

REASON: In the interests of residential amenity and privacy.

8 The balcony on the southern end of the annex shall not be used by any staff or clients except in the case where it is needed as a means of escape in the event of an emergency. The doors to the balcony shall be fixed shut in a manner that will only allow them to be opened in the event of an emergency in accordance with the details first submitted to and approved in writing by the local planning authority. The doors shall be maintained fixed shut in accordance with those approved details thereafter.

REASON: In the interests of the amenity and privacy of the occupiers of the adjacent dwelling.

9 No external lighting shall be installed on site, including security lighting, until plans showing the type of light appliance, the height and position of fitting and illumination levels have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the occupiers of neighbouring properties.

10 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Site location plan, block plan, proposed alterations drawings 1 to 4 and Planning, Design and Access Statement all received on 11th October 2010 together with drawing IMA-10-080-005 Rev A received on 29th November 2010 which superseded the Highway Improvement Scheme originally submitted in the Planning, Design and Access Statement.

**Appendices:**

None.

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

Application particulars and policy documents.