

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	23.06.2010		
Application Number	W/10/01008/FUL		
Site Address	St Catherines Wellhead Drove Westbury Wiltshire BA13 3RD		
Proposal	Change of use from dwelling (C3) to residential care home (C2)		
Applicant	Mr Quarriers		
Town/Parish Council	Westbury		
Electoral Division	Westbury East	Unitary Member:	Michael Cuthbert-Murray
Grid Ref	387082 150016		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Cuthbert-Murray has requested that this item be determined by Committee due to:

- * Environmental/highway impact
- * Car parking

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- * Highway safety issues
- * Amenity
- * Setting of the Special Landscape Area
- * Public consultation responses

3. Site Description

The application site is currently occupied by a 6-bedroom property including one en-suite bedroom and 2 family bathrooms at first floor and at ground floor accommodation includes 2 lounges, a dining room, 2 kitchens, a WC, a further bathroom and bedroom and finally a conservatory.

The dwelling benefits from a generous enclosed and private rear garden and a spacious front garden with a gravelled drive and open parking area.

The site is located on Wellhead Drove which is characterised by large detached properties with linear siting along this single width road. Access to Wellhead Drove is via the A350 to the west. Wellhead Drove itself is an unclassified highway which leads to a pumping station to the east.

The site is on the fringes of the defined town policy limits of Westbury with open countryside to the south. This countryside has been designated as a Special Landscape Area of County-wide significance.

4. Relevant Planning History

None

5. Proposal

This is a planning application for the change of use of the dwelling (C3) to a residential institution (C2). There is no operational development connected with the proposals and minor internal works to facilitate the change of use have been detailed.

The proposed C2: Residential Institutional use being proposed has been described in the application as being to 'provide residential care for up to five children between the ages of 10yrs and 17yrs old and registered with OFSTEAD'. The application form states that 3 car parking spaces exist and that these would remain.

Following receipt of the application the applicant's agent was asked for further details on the proposals to help support and justify their application and inform the decision making process. No design and access statement is required in planning applications for change of use.

The additional information states that the accommodation would be used to accommodate children who have emotional and behaviour difficulties that are unable to live with their families. The aim is to provide a stable home life in an environment similar to a normal family home. The children would be integrated into the local schools and become part of the local community.

The staffing of the proposed residential institution would consist of 12 full-time qualified staff who monitor and care on a rota basis with a minimum of 2 staff working in the house at any time on a 24/7 basis. Weekly staff meetings would be held at the site for between 8 to 10 members of the team.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C3 Special Landscape Area
C38 Nuisance

Wiltshire Structure Plan 2016
DP1 Priorities for Sustainable Development
C9 Special Landscape Areas

National guidance
PPS1: Delivering Sustainable Development
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG24: Planning and Noise

Circular 11/95: The use of conditions in planning permission.
Circular 03/05: Changes of use of buildings and land.
Circular 05/10: Changes to Planning Regulations for Dwelling houses and houses in multiple occupation.

7. Consultations

Westbury Town Council

Object: "The committee objected to this planning application on the following grounds:

- No design and access statement provided
- No highway consultant's report regarding additional traffic that may be generated
- Provision of parking needs to be investigated."

Highways

Objection: I recommend that this application be refused on highway grounds for the following reason. "Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety." (30.04.2010)

Based on the stated number of staff resulting from the proposed change of use, even allowing for the proposed shift pattern of working, it is my view that the proposed development would be likely to result in an increased number of vehicular movements to and from the site and I confirm my highway opposition to this application as previously stated. (21.05.2010)

Wiltshire Fire and Rescue Service

May wish to request a developer contribution towards additional or enhanced Fire & Rescue Service infrastructure.

Wiltshire Police

Objection: Whilst Wiltshire Police fully support the work of the applicants and other similar organisation they raise objection on the following grounds:

- The applicants have not provided any information on how they have addressed, or will mitigate against crime, anti-social behaviour or the safety of the residents.
- The location is inappropriate in terms of safety and security of the young residents.
- The security of the existing residents and their properties could be compromised by increased vehicle and footfall.
- The addition of this unit could place further, unnecessary demands on the time and resources of the local police.
- Police records highlight an excessive number of reported incidents relating to similar premises in the locality, and also an existing home belonging to the applicant.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 7 May 2010

59 letters of objection received. Summary of points raised:

- Potential for crime, vandalism and anti-social behaviour.
- Harm to special landscape character.
- Harm to countryside (including nearby woodland) and wildlife.
- Disturbing a quiet and tranquil location, many retired people nearby. Noise.
- Increase in traffic.
- Dangerous junction worsened.
- Lack of street lighting and pedestrian facilities.
- Lack of amenities/facilities for children.
- Unsustainable location.
- Creation of a precedent.
- Lack of consultation.
- These children need a normal household where they can build up relationships.
- Equestrian uses nearby.
- Unsuitable location with poor access to facilities and away from the town centre.

- Decreased property values.
- Serving police officer may encounter youths that they are familiar with via their work.
- Privacy, security and overlooking.
- This is the best area in town and is a location fit for those that have earned the right to be there, perhaps a Servicemen Rehabilitation Centre.
- Should be run by legal parents/guardians.
- The Town Council is better placed to make a decision than at a County level.
- It is difficult to write a letter on this subject without it sounding like NIMBYism.
- Whilst the concerns of local people have to be given serious consideration a happy outcome for these children is desired.

9. Planning Considerations

9.1 Government Circular 03/2005 provides some guidance and advice on how Local Planning Authorities should consider planning applications for changes of use to C2: Residential Institutions. It states at paragraph 64 that it is important for Local Planning Authorities to concentrate on the land-use planning considerations to be taken into account when considering a planning application falling within this use class.

9.2 In this case the principle material planning considerations, in planning land-use terms, are the potential impact on highway safety and amenity considerations. It is assessed that as no operational development is occurring that the special landscape character of the adjacent open countryside to the south, the potential archaeological interests of the area and overlooking points are not material.

9.3 This application has attracted an objection on highway safety grounds from the Highway Officer. Their comments have been detailed in full above, including the further clarification that they provided at the Planning Officer's request. The applicant has not provided any substantial information to contradict the expert opinion of the Highway Officer and from site inspection it is quite clear that there are limited passing facilities on the unclassified Wellhead Drove and that the junction of Wellhead Drove to the A350 is very poor. There is no other means for connection to the road network and pedestrian facilities are also poor.

9.4 On the basis of the expert opinion of the Highway Officer it is considered that the proposals are likely to result in a significant highway safety issue and this represents reasonable planning grounds for refusal of the proposals.

9.5 The issue of amenity has also been given careful consideration. Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) states that consideration will be given to such issues as any loss of privacy or overshadowing levels and type of traffic generation, storage of hazardous materials, generation of unpleasant emissions, the extension of existing unneighbourly uses and the creation of an untidy site. Whilst this list of issues is not likely to be exhaustive it does set the type of issues that can be assessed under amenity. The proposals are not likely to result in any significant harm under planning land-use consideration of 'amenity'. The concerns of the public will be discussed in more detail below, but issues such as anti-social behaviour are not relevant under the consideration of 'amenity'. Further if the proposed use is carried out reasonably then the site would be well managed and maintained and not result in any harm.

9.6 Before turning to the public consultation responses the Westbury Town Council response can be addressed. They raised objection which included concern over the lack of any design and access statement. Such a statement is not a formal requirement of a change of use planning application. Equally a highway report or justification cannot be insisted upon. The site has existing facilities for 3 cars, but given the size of the front garden a far greater number of cars with turning could be reasonably provided within the site. As such these concerns do not represent substantial grounds for refusal.

9.7 It is noted that the site is located on the fringes of Westbury, however it is within the designated town policy limits and as such is by definition a 'sustainable' location. Westbury is not a very large settlement and although pedestrian facilities are poor and not necessarily convenient, on balance, the

site must therefore be considered in planning policy terms to have reasonable connection to the town's facilities.

9.8 The consultation response from the Wiltshire Fire and Rescue Service has been noted, but under the current relevant planning policy there is no policy to reasonably support or justify a commuted sum contribution to their service from this development proposal.

9.9 The consultation from Wiltshire Police has been given very considerable thought in conjunction with the public consultation responses. Their concerns and objection to the proposals are obviously a source of great concern and have not been considered lightly. However Circular 03/2005 is clear that decisions to planning application for change of use need to be made in land-use terms. There is other legislation to control the proposed development and to try and ensure that the institution is effectively run and managed to avoid undue problems such as anti-social behaviour. The Wiltshire Police response is not considered to raise any objections which can be reasonably sustained within the framework of development control planning decisions, especially issues such as the potential to place further demands on their service.

9.10 It is clear that facilities such as this have to be provided within society as this is not a perfect world. The Police's advice that such institutions often result in a high volume of call-outs for them is not disputed, but it is not for the planning system to control the associated issues and this is intimated by the planning circular 03/2005.

9.11 The numerous letters of objection received on this application have been read and given lengthy consideration. A summary of these points is detailed above and a great range of comment and thought was submitted to the Council. Much of the concern raised is assessed to be beyond the consideration of the proposals land-use merits however and this is not the forum for considering potential anti-social behaviour from the proposals. Most of the concerns are linked to this 'umbrella' term.

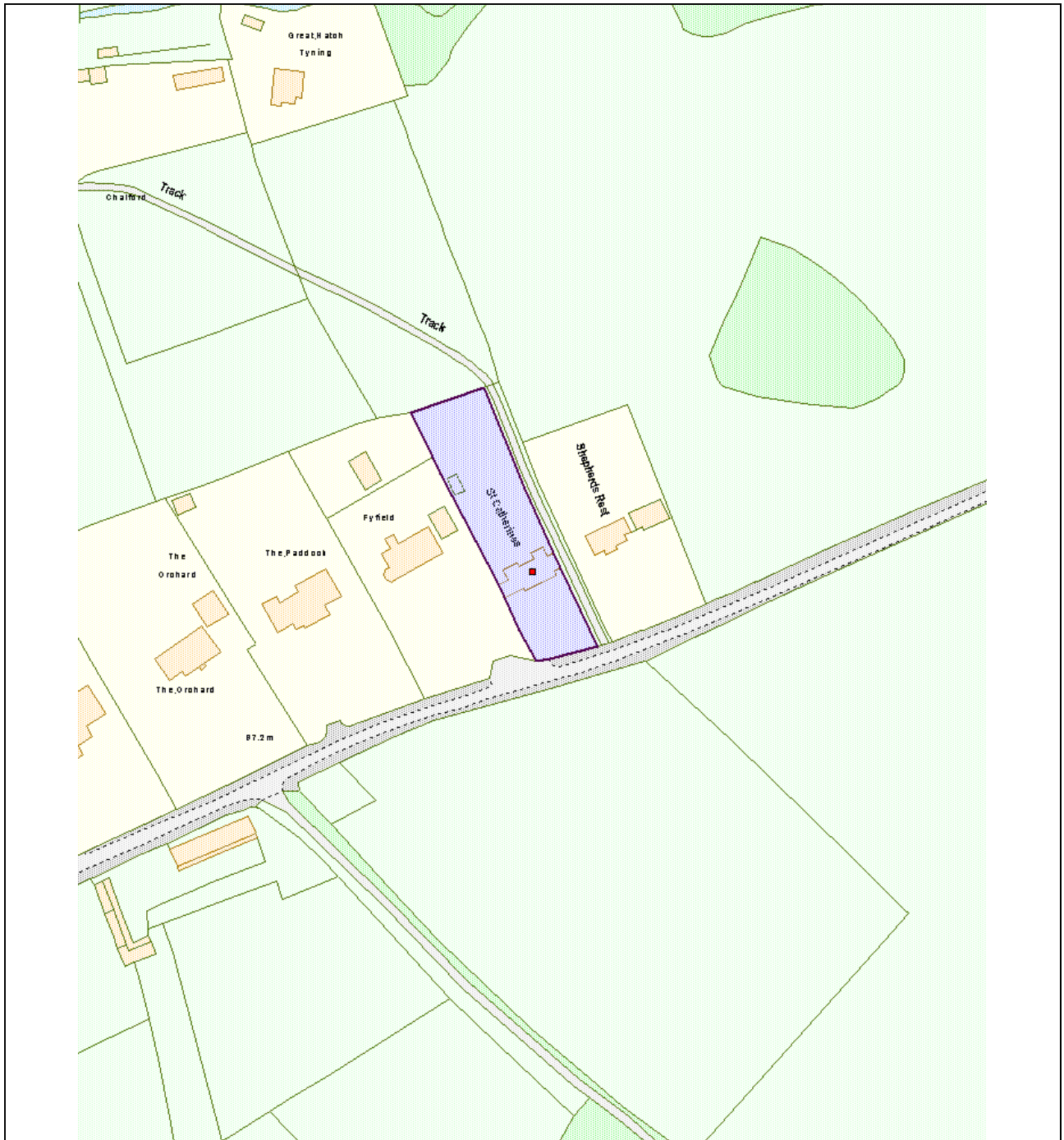
9.12 These concerns appear to be quite legitimate from anecdotal evidence and the consultation response from Wiltshire Police. However as stated above the planning decision should be based on land-use terms and with the exception of highway safety issues there are not considered to be any reasonable planning reasons to refuse the application.

Recommendation: Refusal

For the following reason(s):

- 1 Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety.

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council
Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 2808-01 received on 01.04.2010

Drawing : 2808-02 received on 01.04.2010

Drawing : 2808-03 received on 01.04.2010