

REPORT TO THE EASTAREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	20 th May 2010
Application Number	E/10/0225/S73
Site Address	Stanford Court Sheep Street Devizes Wiltshire
Proposal	Removal of condition number 4 of original planning permission K/85/1137 (Flats 21-34 inclusive) to allow unrestricted occupation of the dwellings.
Applicant	English Churches Housing Group
Town/Parish Council	DEVIZES
Grid Ref	400717 161380
Type of application	Variation of Condition
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been brought to Committee at the request of the Division Member, Councillor Jeff Ody.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Site Description

Stanford Court is located in an accessible location central to the town of Devizes (almost opposite the library) and is partly located above a public car park. A car park marked out with 6 parking spaces lies to the front of the site which is currently utilised by the warden, residents and their visitors. The development has a communal garden area located to the rear and lies within the conservation area.

The application site is Phase II (14 flats) only of a development of a total of 27 flats originally granted planning permission in the 1970s and 1980s. Unrestricted occupation of Phase I of the scheme was permitted. However, the later phase II of the development was restricted by condition to 'Category Two sheltered accommodation'. Category II sheltered accommodation is widely accepted as wardened accommodation for those over the age of 60.

3. Relevant Planning History

K/75/0536 - Approve with Conditions 15/01/1975
Erect 13 flats for elderly persons. (No occupancy condition)

K/85/0600 - Approve with Conditions 08/08/1985
3 Storey bldg. to provide 13 no. new flats, together with ancillary rooms, new staircase and lift

K/85/1137 - Approve with Conditions 30/01/1986
One additional dwelling in the approved scheme giving a total of 14 (with the occupancy condition)

4. The Proposal

The application proposes the removal of condition number 4 of original planning permission

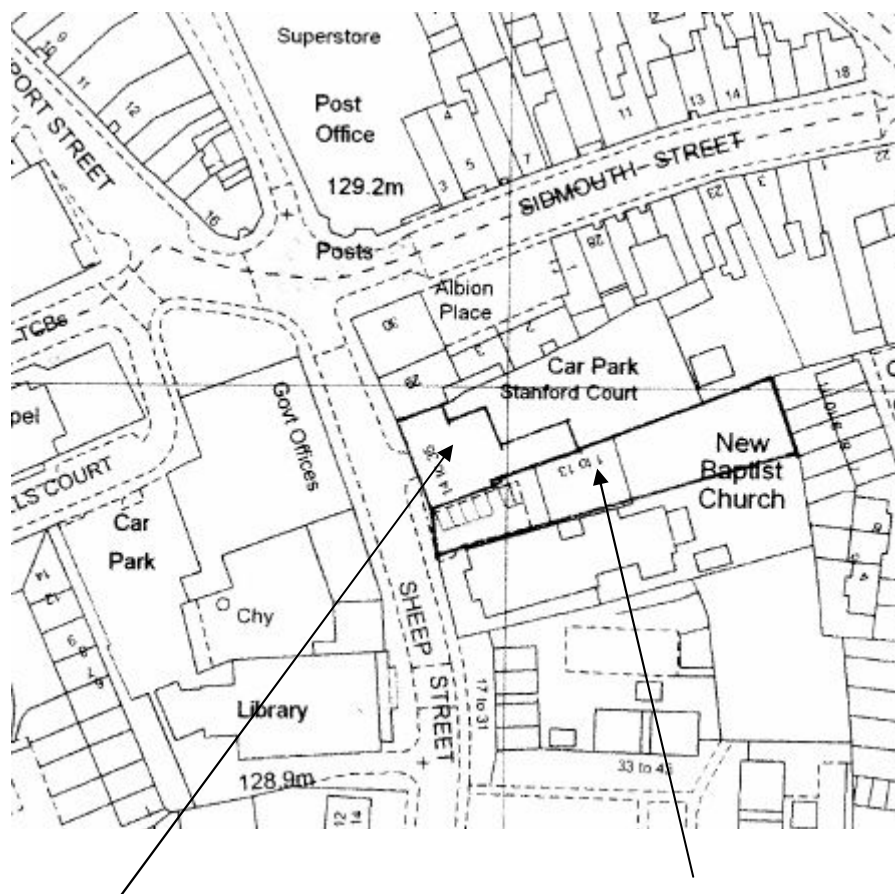
K/85/1137 for 14 flats (flat numbers 21-34 inclusive) which states that;

'The flats shall be occupied as Category Two sheltered housing accommodation only and shall not be used for general housing.

REASON: The development is unsuitable for general housing because of the levels of provision for car parking and private open space.'

Removal of the condition would allow occupation as open market housing and would bring the permission for these flats in line with the permission granted for the original units.. Although both phases are currently occupied by elderly residents, there is no condition that requires this on the first phase.

The reasons put forward by the applicants for wishing to remove the condition are that they are seeking a new landlord to take over the ownership and management of the whole of the property. Although the new landlord has no plans to change the use of the building as there is currently a strong demand for sheltered accommodation, they seek to remove the condition to protect their investment in the building. This would enable them to change the use in the future if there was no longer a demand for this type of accommodation.



Stanford Court – flats with occupancy condition..... and those without

5. Planning Policy

Kennet Local Plan – the site lies within the Devizes Conservation Area. The relevant planning policy is AT9 (vehicle parking standards) National guidance contained within Planning Policy Guidance Note 13 is also relevant.

6. Consultations

Devizes Town Council - After much discussion it was agreed that the introduction of a mixed development would compromise the nature of the development for older people.

Objections to the application have been received from 14 parties, many of which are extensive in their content. A summary of the key points is set out below, however the representations can be accessed in full by viewing the planning file:

- 6 parking spaces are insufficient for general housing and there is no further available space for parking provision. If allowed, the application would be harmful to highway safety and would further block space available for emergency access.
- The further 9 parking spaces required to be provided by original planning permission K/85/0600 were never provided and the situation has not changed.
- The communal garden area is shared with the church and does not provide sufficient play space for children nor is it suitable for play.
- The mixed occupancy of the flats would cause noise and disturbance and there are concerns that occupancy by younger people is incompatible with use by elderly people, some of whom are infirm. This would adversely affect the sense of security and peace and force people to move from the community they chose to live in at this more vulnerable time.
- There are security concerns both regarding the local area and also of communal areas at Stanford Court.
- The application has led to significant anxieties about the future of the building and potential resulting increases in rent.
- Concerns have been expressed about the unsuitability of communal areas, including access, halls and stairwells (especially as mobile scooters are stored there) and laundry facilities which could cause further risk.
- There is insufficient space for laundry drying requirements of market housing.
- The building should not be lost as elderly persons accommodation as the demand is greater than ever due to changing demographics.
- The proposal conflicts with draft policies in the emerging Core Strategy in that it would allow accommodation centrally located to key facilities for elderly people to be lost for their use.

7. Publicity

Neighbours and occupiers of the development have been notified by letter and the application has been advertised by means of a site notice.

8. Planning Considerations

This application is to apply to remove a condition on the planning permission for the original development relating to the restriction of occupancy as Category II sheltered housing only. The material planning considerations are therefore limited to the reason that this condition was originally imposed: namely that, *'The development is unsuitable for general housing because of the levels of provision for car parking and private open space.'* It should be noted that this condition was imposed in 1985 when the relevant planning policies would have been quite different from those at present and that phase I of the development, flats 1-13 inclusive, could already be occupied as market housing.

Whilst there is sympathy for the general amenity considerations raised by the residents regarding the impact of removing the condition, this is in reality a management issue for the owners of the flats to resolve with the tenants. The fact is that the building is suitably located for unrestricted residential use and it is difficult to see how an argument against removing the condition could be successfully defended, particularly where one half of the complex does not have a similar condition. Similarly, the issue of the change in ownership does not have any bearing upon the consideration of this application.

The key remaining planning issues of parking provision and private open space are addressed in turn below.

Parking Provision

The present situation is that none of the parking spaces are tied to the 27 flats known as Stanford Court. However, it is acknowledged that the six parking spaces located directly to the front of Stanford Court are currently utilised by the warden, the residents and their visitors. The existing policy stance is one of maximum parking standards and each proposal must be viewed on its merits. In this instance, relevant factors include; the accessible town centre location of the

flats; the nearby public car parks and existing waiting restrictions on the streets within the vicinity which assist in reducing inconsiderate parking. Wiltshire highway officers have considered these factors and have raised no objections to the variation of the condition on phase II of Stanford Court subject to a condition to tie the existing 6 parking spaces to the flats known as Stanford Court. The situation is that a condition of this nature first imposed in the 1980's could no longer be justifiably used in this location on a new development given current parking standards and Government guidance

Private Open Space

Whilst adopted Supplementary Planning Guidance would usually advocate the provision of 50 square metres of private open space per new dwelling, regard must be had to the existing situation of a communal garden area shared amongst the existing residents of the 27 flats and shared with the church. If Members were minded to approve the application for the variation of the condition to allow unrestricted occupancy of this block of 14 flats, it is highly likely that the number of occupants would not change significantly from the present situation. Given the modest size of the flats, it is also unlikely that they would be suitable for occupation by significant numbers of children. In any case, the properties are within easy walking distance of play areas and recreation spaces on The Green and other leisure opportunities at Devizes Leisure Centre. Whilst the existing situation may preclude individual space for the drying of laundry, this would not be significantly worse than the existing situation. On balance, it is considered that the minimal open space provision would not cause significant harm in this instance to warrant refusal of planning permission.

9. Conclusion

It is considered that there are no planning grounds to justify refusal of this application. Accordingly, permission is recommended.

RECOMMENDATION

Approve with conditions as follows

- 1 The six parking spaces located in the parking and associated turning areas directly to the west of the block housing flats 1-13 and directly to the south of the block housing flats 14-35 shall be retained as parking and turning areas in perpetuity for use by the residents of the development known as Stanford Court and their visitors only.

REASON: To ensure adequate on-site parking provision.

- 2 No flats shall be occupied other than as category II sheltered housing accommodation until suitable provision for bin storage has been made in accordance with plans first submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved plans and shall thereafter be maintained as such.

REASON: In the interests of amenity.

- 3 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.

Plan Ref: E/10/0225/S73 received on the 30th March 2010.

Appendices:

None

Background Documents Used in the

The application file and associated history file.

Preparation of this Report: