

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **3RD MARCH 2015**

ADDRESS/LOCATION : **19 SCOTT AVENUE, GLOUCESTER.**

APPLICATION NO. & WARD : **14/01230/COU
PODSMEAD**

APPLICANT : **MR ANTHONY COLE**

PROPOSAL : **CHANGE OF USE FROM CARE HOME TO 12
NO. 1 BEDROOM FLATS.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **1 SITE LOCATION PLAN
1 LETTER OF REPRESENTATION**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is brought before the Planning Committee at the request of Ward Councillor Jennie Dallimore.
- 1.2 The application site is located upon the western side of Scott Avenue and fronts onto an area of public open space. To the south of the site are blocks of three storey flats at Otterburn House and Ivannhoe House.
- 1.3 The application property is a detached building which comprises a convenience store to part of the ground floor with former 'care home' accommodation to the remaining ground floor and first floor areas. This accommodation is presently vacant.
- 1.4 The application seeks planning permission for the change of use of the care home facilities to provide 12 apartments across the two floors. The ground floor would provide 6 no. studio apartments. The first floor would provide 5 no. studio apartments and 1 no. one bedroom flat.
- 1.5 The proposal would provide 5 no. off street parking spaces to the rear, western part of the site.
- 1.6 The rooms are already laid out and the proposal would not entail any external alterations to the building itself.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The most recent planning history for the site is set out below:

08/00113/FUL - Internal and external alterations to subdivide existing retail unit into 3 separate retail units - Grant

06/00457/COU - Part conversion of existing convenience store and first floor extension to create a residential care home (9 rooms) for adults with learning difficulties (revised proposal) - Grant

02/01068/FUL - First floor extension above shop to provide 3 self contained flats - Grant

00/00746/FUL - Single storey rear extension to shop (enlarged sales area) - Grant

3.0 PLANNING POLICIES

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

3.3 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are relevant:

Policy H.4 – Housing Proposals on Unallocated Sites

Policy BE.5 – Community Safety

Policy BE.21 – Safeguarding of Amenity

Policy TR.31 – Road Safety

3.5 In terms of the emerging Local Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its Local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 PUBLICITY AND REPRESENTATIONS

4.1 The occupiers of 18 neighbouring properties were notified of the application by letter and a site notice was also posted.

4.2 In response to the consultation the council has received one letter of objection as well as comments from Cllr Dallimore, who has also requested this application be brought before the planning committee.

4.3 The comments raised are summarised below:

- Concerns regarding the application for 12 single units.
- I run a community cafe which is situated next door.
- The community cafe provides drop-in services for vulnerable persons
- Concerned that 12 single units will not be managed or supported,
- Without any management or support in place I believe there could be risks and anti social behaviour
- Would have a negative impact on the community
- The building is situated between the only amenities in Podsmead
- Have previously had issues with the occupants of flats
- This adds to concerns about the 12 units not being managed.

4.4 Ward Councillor Dallimore has raised the following objections:

- Potential for impact on existing residents due to high density of properties.
- No management plan provided.
- Potentially Anti Social Behaviour and noise pollution could affect local residents, especially as this development is located immediately next to a community project and the only local amenities.
- Concerns about availability of additional parking spaces for residents, visitors and staff in this already busy area.
- Vulnerable people in area.

4.5 Gloucestershire Police Community Officer

- The units designed in a basic manner to accommodate as many as possible.
- No consideration has been given to a variety of different units.
- Landlords intention is to house vulnerable people
- Podsmead currently has a high number of social housing units
- Community survey showed that residents were suffering from anti-social behaviour, possible drug dealing and drug use in the 3 Blocks of Flats in Hathaway Close.
- Proposed units are located adjacent to the only amenities in Podsmead
- In the warmer months this area has suffered from people drinking and being antisocial on the field opposite.
- Number of projects for vulnerable people in the area
- Clustering 10 vulnerable people in one building will not benefit the community;
- It will only give rise to anti-social behaviour and criminal activity.
- If the units were designed differently to allow for a tenant mix then this would be a better outcome.

- Another suggestion would be that there was some form of letting plan stipulating mix of residents.

4.6 Gloucestershire Highways – No objections.

4.7 City Council Housing Officer – No objections.

4.8 The full content of all correspondence on this application can be inspected online via the Councils website or at the reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

5.0 OFFICER OPINION

5.1 The applicant has cited Chapter 1 (a registered charity and housing provider) as having an interest in managing the development, no contract has been let to this effect. This application has therefore been assessed entirely on its own merits as scheme for market rented accommodation.

5.2 It is therefore considered that the main planning considerations in this instance are:

- Neighbouring amenities
- Highway impact

Neighbouring Amenities

5.3 It is evident that the area suffers from a degree of anti social behaviour.

5.4 The application property is presently vacant and has the opportunity to provide needed residential accommodation.

5.5 The proposal would provide 12 studio apartments across two floors. Although the accommodation proposed is somewhat 'compact', the planning system does not set out minimum space standards.

5.6 The proposed accommodation has been reviewed by the City Private Sector Housing officer, who has assessed the accommodation against their HMO standards which are derived from the Housing Act. The officer has advised that the accommodation would meet these floor space standards and has raised no objections to the proposal in terms of the living conditions for future occupiers.

5.7 The applicant has advised that the proposed flats would provide accommodation for rent. In response to concerns raised by the objector, police and ward councillor the applicant has since proposed the provision of one of the apartments for occupation by a live-in caretaker who would provide on site management of the properties.

5.8 It is considered that this goes some way to addressing concerns with regards to anti social behaviour. In addition to this provision (and in the absence of an

agreed management company), I consider it reasonable to require a management plan to be secured by condition. This should allow a degree of certainty that any potential, undesirable activity by residents is adequately controlled.

- 5.9 Subject to compliance with conditions the proposed development would not unduly affect the living conditions of the occupiers of nearby properties.

Highway Impacts

- 5.10 The proposed development would provide 5 no. off street parking spaces to the rear of the building to serve the 12 apartments.
- 5.11 While concerns have been raised that there is insufficient parking provision to serve 12 apartments it should be noted that the National Planning Policy Framework is explicit at Paragraph 32 that '...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.12 Considering the nature of accommodation being proposed, it is unlikely that the all of the occupiers would have their own cars. It is therefore considered that the spaces proposed are adequate to serve the development.
- 5.13 Additionally, it is reasonable to secure a covered and secure cycle store for 12 bicycles to serve the future occupiers which would encourage sustainable transport.
- 5.14 The County Highways officer has reviewed the application and concerns in relation to parking. The officer has advised that the proposal is unlikely to result in a material increase in vehicle movements when compared with the approved care home use at the site. Furthermore, he is satisfied with the level of parking proposed and has advised that any overspill 'on-street' parking within the vicinity of the site would not adversely affect highway safety and this is supported by the fact that there is no recorded collision history associated with the existing on-street parking in the immediate area.

6.0 **CONCLUSIONS**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The application would bring back into use a vacant property and would provide 12 no. dwellings. It is considered that subject to compliance with conditions the proposal would not result in demonstrable harm to the living conditions of the occupiers of adjoining properties or adversely impact highways safety. For these reasons the proposal would comply with Policies

H.4, BE.5, BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

- 6.3 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop and use land buildings in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 7.1 That planning permission is granted with the following conditions to be applied:

Condition 1

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The use hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved drawing nos.AC-02 & 'Site Plan' received on 21 October 2014 and amended drawing 'First Floor' received on 18th February 2015 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

Prior to the first use of the building, precise details of secure and covered cycle storage and parking facilities for a minimum of 12 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed in accordance with the approved details, prior to the first occupation of any of the flats hereby permitted and the cycle parking facilities shall be retained for that purpose for the duration of the use.

Reason

To ensure that adequate cycle storage facilities are provided in line with the Government's declared aim of encouraging sustainable modes of travel and policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Before the occupation of any of the flats hereby permitted, details of a bin store to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be provided on site in accordance with the approved details prior to the occupation of any of the flats hereby permitted and shall be retained for the duration of the use.

Reason

In the interest of the visual amenities of the area and in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Prior to the first occupation of any of the flats hereby permitted a management plan shall be submitted to and approved by the Local Planning Authority. The development shall be operated in accordance with the approved details for the duration of the use, unless otherwise agreed in writing by the local Planning Authority.

Reason

To preserve the living conditions of the occupier of neighbouring properties and in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Prior to the occupation of any of the flats hereby permitted, the parking spaces shall be laid out in accordance with the details shown on approved 'site plan' and shall maintained clear of obstructions and be available to residents of the development for the purpose of parking motorised vehicles and the spaces shall at no time be allocated to individual flats, sold or sub-let.

Reason

To ensure that there is sufficient off road parking to serve the development and in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition

The waste and recycling bins shall only be presented on the street on the day of collection and shall at all other times be stored within the enclosure approved under Condition 4.

Reason

In the interest of the visual and general amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are

advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision:

Notes:

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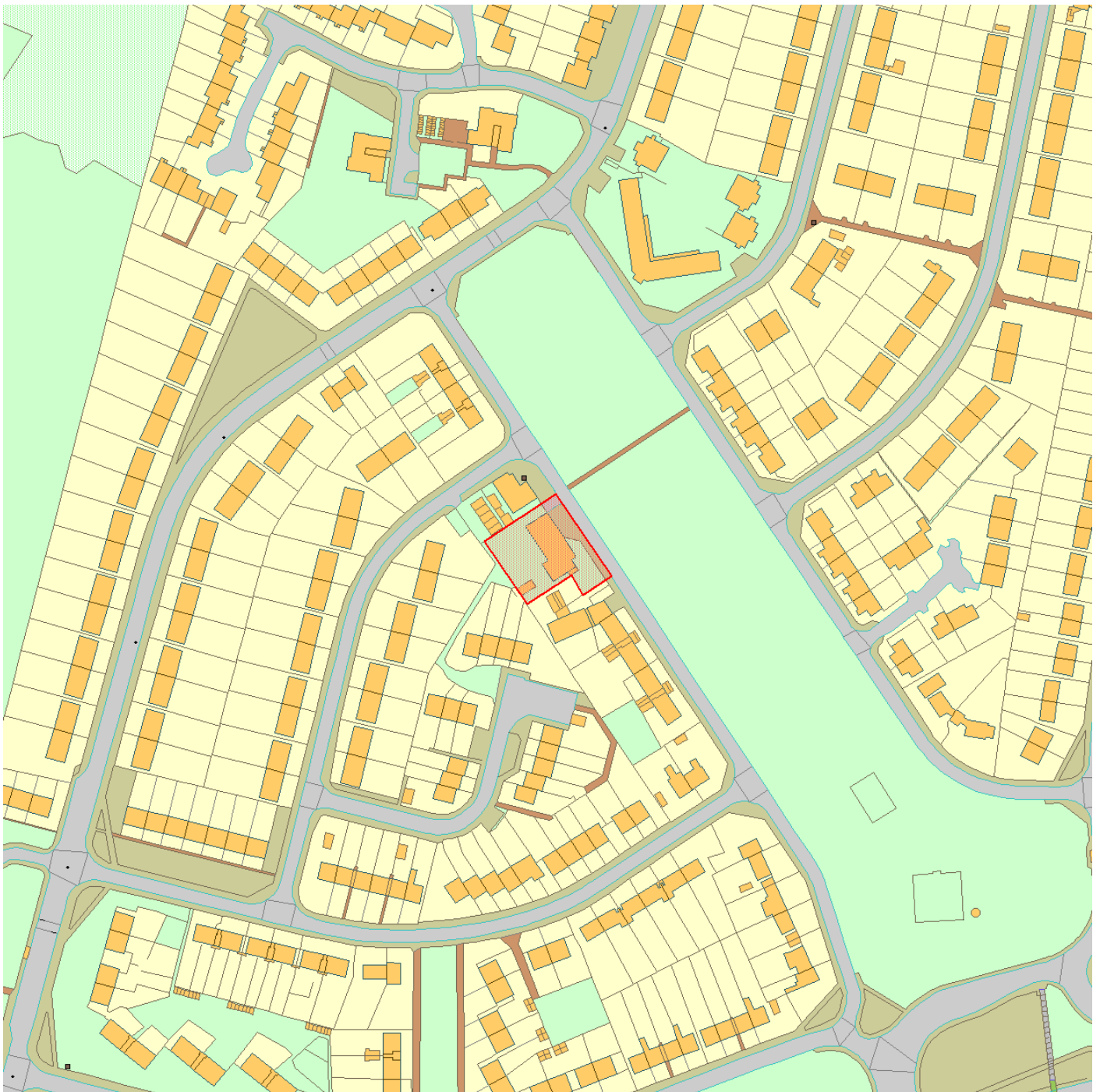
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Person to contact: Bob Ristic
(Tel: 396822)

14/01230/COU

**19 Scott Avenue
Gloucester
GL2 5BD**

Planning Committee 03.03.2015



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Dear Jennie

Could you please forward my e-mail to the relevant department.

I have concerns regarding the application for 19 Scott Avenue -12 single units. I am a resident who lives opposite this building and I also run a community cafe which is situated next door in a voluntary capacity.

I am concerned as these 12 single units will not be managed or supported, without any management or support in place I believe there could be risks and anti social behavior that would have a negative impact on the community.

The building is situated in between the only amenities in Podsmead and in my opinion should have some management structure in place. I have previously had issues with the occupants of the flats above the 12 planned units these concerns were reported to the Podsmead Big Local Support Officer.

Furthermore the community cafe provides drop-in services for those who are considered to be vulnerable and this adds to my concerns about the 12 units not being managed.

I would object to this application if the properties were not managed or supported.

Yours Sincerely
Josie Betton