

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH MARCH 2017**

ADDRESS/LOCATION : **26 TUFFLEY LANE, GLOUCESTER, GL4 0DU.**

APPLICATION NO. WARD : **16/01367/COU TUFFLEY**

EXPIRY DATE : **13TH JANUARY 2017 (TIME EXTENSION AGREED)**

APPLICANT : **FLOURISH CHILD SERVICES**

PROPOSAL : **CHANGE OF USE FROM EXISTING RESIDENTIAL DWELLING TO PLANNING CLASS C2. INTERNAL ALTERATIONS AND REVISED FENESTRATION TO SOUTH EAST ELEVATION.**

REPORT BY : **AERON REES**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the north east of Tuffley Lane and north west of Campden Road. The property is a two storey detached house with four bedrooms. It has an entrance off Tuffley Lane and an entrance off Campden Road which leads to a garage.
- 1.2 This proposal is for the change of use of the property from a four-bed dwellinghouse to a residential institution (C2) with internal alterations and revised fenestration to South East Elevation.
- 1.3 The revised fenestration to the south east elevation will consist of the removal of one of the windows to the first floor of the south-east elevation and its replacement with two separate windows. The internal alterations will consist of the division of the dining room at the ground floor level to an office and dining room and the division of a bedroom into two separate bedrooms at the first floor level.
- 1.4 Supporting information from the applicant gives further detail on the proposal and how it would be managed.

- 1.5 The home will be for a maximum of 4 young people aged 11 - 17 living at the home at any one time. The home will be a mainstream children's home, supporting young people who are looked after in care. All young people will have an impact assessment completed, in consultation with Gloucestershire's County Council's Children's Team prior to moving in and have visits in order to best match young people with the home and to ensure that their needs can be met at the home.
- 1.6 The home will be staffed at all times by professional staff who will work in shift patterns with 2 staff sleeping in at the home with the young people. As such the home will be operating at all times as young people will live there as their home. Depending on the assessed needs of each child, there will be between 2 and 4 staff present in the day from 7am until 10pm, with a minimum of 2 staff providing sleep in cover from 10pm to 7am. The service will also have a fully qualified and OFSTED Registered Manager on site 5 days a week. In addition, there will be 24-hour on-call emergency line to staff contingency.
- 1.7 Amended plans indicate 3 parking spaces off the Tuffley Lane access and the Campden road entrance being closed up.

2.0 RELEVANT PLANNING HISTORY

- 2.1 92/01738/FUL
Double garage with bedroom over at side. Permitted July 1992.
- 92/01960/FUL
Demolition of double garage and erection of detached dwellinghouse.
Refused October 1992
- 95/00225/FUL
Alterations to existing boundary walling to provide 1.8 metre high enclosure.
Permitted May 1995

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 policies within the 1983 and 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 CS.7 (Change of use of dwellings to residential institutions)

Policy FRP.10 (Noise)

Policy BE.6 (Access for All)

Policy BE.21 (Safeguarding of Amenity)

Policy TR.9 (Parking Standards)

Policy TR.12 (Cycle Standards)

Policy TR.31 (Road Safety)

Policy H18a (Supported and Special Needs Housing)

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 NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. 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, City Plan and any Neighbourhood Plans 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

1. The stage of preparation of the emerging plan
2. The extent to which there are unresolved objections to relevant policies; and
3. 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; and Department of Communities and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

4.1 Gloucestershire County Council (Highways)

Initial response:

The proposal would result in a potential intensification of the site accesses associated with visitors, staff and possibly residents compared with the existing dwelling. Vehicle and pedestrian visibility is substandard onto Campden Road. Due to the bend on Campden Road there were concerns about vehicle visibility splays being achieved.

The access onto Tuffley Lane is considered suitable in terms of vehicle and pedestrian visibility splays. Within the Tuffley Lane drive way, it is considered that 2 or 3 cars could be accommodated.

Local objections regarding traffic and parking associated with the change of use are noted, however with the proposed 2-4 staff on site at a time, four 11-17 year old young people and occasional visitors it is not considered that any additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads. In addition the site is sustainably located on a regular bus route, within walking distance for staff within the local Tuffley area and to various local amenities reducing reliance on private vehicle use in accordance with the National Planning Policy Framework.

There have been no recorded collisions on the road safety collision database in the immediate vicinity of the site accesses in the past 5 years. An objection mentions a car parked on street in the area was damaged by passing vehicle, however there is no evidence to confirm this incident.

Additional Highway comments received on the 23/02/2017 following amended plan indicating Campden Road entrance being closed up and provision for 3 parking spaces:

Following the previous comments (see above) revised layout 006 has been submitted stopping up the existing Campden Road vehicle access and reinstating the footway removing the access without restricted visibility, with just pedestrian access provided. This removes the safety concern of this access and allows additional on-street parking spaces

The access onto Tuffley Lane is considered suitable in terms of vehicle and pedestrian visibility splays. Internally within the Tuffley Lane drive way drawing 006, illustrates 3 parking spaces. It is noted these are not all independently accessible from Tuffley Lane, however as a small single C2 institution, it is expected users could manage and organise internally their access arrangements, with associated users of the parking, when required to enter and leave the site.

Local objections regarding traffic and parking associated with the change of use are noted, however with 2-4 staff proposed on site at a time, four 11-17 year old young people, of which only the 17 year olds could legally drive, and occasional visitors it is not considered that any additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads.

No highways objection, subject to the following conditions;

1. The building use hereby permitted shall only be occupied with the vehicular parking area accessed from Tuffley Lane in general accordance with the submitted plan 006 for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework 35 and TR.12 of the 2nd Stage Deposit Local Plan.

2. The building use hereby permitted shall only be occupied with the vehicle access permanently stopped up in general accordance with drawing 006.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework 35 and TR.12 of the 2nd Stage Deposit Local Plan.

Note; The proposed development will require the removal of a footway/verge crossing with reinstatement of the footway and the Applicant/Developer is required to obtain the permission and highway works agreement from the County Council before commencing any works on the highway.

4.2 Environmental Health Officer

Slight concerns regarding the planning statement information that, '*there is a large variety of reasons that young people come into care so it would be difficult to define the specific needs of the young people at the home.*' there has been experience of noise complaints in regards to residents from care homes, therefore recommend the following condition be attached to any permission:

Scheme of measures for controlling noise - Before the development here by permitted commences a noise management plan shall be submitted and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The use of the development shall be carried out in accordance with the approved details.

Reason – In order to protect the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

4.3 Housing Strategy and Enabling Service Manager

The County Council have identified a need for this type of specialist residential accommodation, across the city where those being accommodated are likely to have support networks, and have therefore commissioned providers accordingly. Currently, there are approximately ten other properties

providing similar provision throughout the City, including the following areas: - Barton, Tredworth, Westgate, Coney Hill, Quedgeley and Longlevens areas.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the display of a site notice. In addition 11 properties have been notified of the application in writing.

5.2 As a result of this publicity, 10 letters of representation have been received, The letters of objection have raised the following summarised comments:

- Parking – Doubt there is a turning circle on the driveway especially when other cars are already parked on it, lack of parking. Increase in on street parking. Unless the garden area in Campden Road is altered to allow for more parking and turning circles, the present layout of the parking space at the front of the property in Tuffley Lane would not accommodate six cars and turning circles. There are currently parking issues in Campden Road from nursery at No.28 where parents park to drop off/ pick up sometimes blocking driveways. A parked car has previously been damaged due to parking issues.
- Traffic – Increased traffic compared to a family home due to more vehicles, day and night, e.g. staff, manager, social services, medical staff, visiting parents. May increase the risk of accidents to the public, school children, visitors and staff, and children visiting the nursery.
- Noise – Loss of amenity due to noise, intensification of use. Change of use from a private family home to a commercial care property would potentially alter the quiet residential character of this property and the surrounding properties, and generally result in loss of amenity. There could potentially be more noise over each 24 hour period from more special needs children.
- Devaluation of house prices.
- Already existing businesses in the area, 68 Tuffley Lane - don't need more.
- Unsuitable use next door to a day nursery
- Have experienced antisocial behaviour from children at the existing children's home and were advised by staff to contact the police.
- Concerns from operator of nearby children's home about proximity (7 doors away) may impact on the registered person of the new home being able to safeguard children in their care. The current children's home has been open for over 14 months with little impact evidenced by lack of complaints, and the homes proactive approach in maintaining links with local services.

- Application at 28 Tuffley Lane for substantial increase in children places for the Nursery run there. The increase in overall child numbers at 28; coupled with the new use at 26 will result in a dramatic alteration to the residential nature of this locality.

5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00840/FUL>

6.0 OFFICER OPINION

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 main issues for consideration with the application are whether the proposed use is acceptable in a residential area and whether the proposal is acceptable in terms of residential amenity and highway safety.

The Principle of the Development

6.3 26 Tuffley Lane is a detached house currently providing 4 bedrooms. It has amenity space to the south east and south west of the main dwellinghouse by way of a garden and entrance off Tuffley Lane and entrance off Campden Road which leads to a garage.

6.4 One of the principles of the National Planning Policy Framework is to provide for a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF requires planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to families with children older people, people with disabilities, service families and people wishing to build their own homes)".

6.5 From the Second Deposit Local Plan, Policy H18a (Supported and Special Needs Housing) is relevant to the consideration of this application. It states:

Proposals for special need and supported housing will be permitted in locations which are close to amenities and facilities and provide sufficient amenity space for the type of housing involved.

The preamble to this policy recognises that there are a wide range of special needs groups and that the provision of special needs housing is important in

meeting the core policy of the local plan in terms of creating a healthy and socially inclusive city.

- 6.6 The Second Deposit Local Plan Policy CS7 (Change of use of dwellings to residential institutions) is also relevant and states:
Planning permission for the change of use of residential properties to residential institutional uses will be permitted where:
- 1. The property has five bedrooms or more; and,*
 - 2. Adequate parking can be provided on-site; and,*
 - 3. An appropriate amount of amenity space is available for the proposed use; and,*
 - 4. The change of use would not lead to an unacceptable mix of accommodation in the locality.*

Regarding criteria 1 of policy CS7 above, it should be noted that there has been an appeal decision (02/00922/COU - 38 Denmark Road) where the inspector questioned the requirement for five bedrooms so this part of the policy carries little weight.

- 6.7 Tuffley Lane is dominated by family housing with some non-residential uses such as the 'Best Friends Day Nursery' to the side (north west) of the application site along with a CO-OP to the south west of the site, there are also good bus routes that enable access to local services such as doctors surgeries.
- 6.8 I consider that the proposal meets the requirements of policy H18a, in that it is located close to amenities and criteria 3 of policy CS7 in that the property does have a reasonable sized garden.
- 6.9 As regards criterion 4 of Policy CS7, although there are some other non C3 uses in the surrounding area, including a day nursery next door and a children's home at 68 Tuffley Lane (14/00438/COU), the majority of properties are C3 dwelling houses. I am also mindful that under the provisions of class C3 of the Use Classes Order, the property could be occupied by up to 6 individuals living together as a household without the need for any planning permission.
- 6.10 Therefore I do not consider that the proposed use would have a harmful impact upon the residential character of the area. In land use planning terms the proposed use is essentially to provide specialist residential accommodation and therefore its location in a residential area is acceptable in principle. However, the implications of the proposed change of use for the amenity, parking and traffic implications of the proposed use requires consideration and is assessed below.

Impact upon the Amenity of Neighbouring Properties

- 6.11 Policy BE.21 provides that planning permission will not be granted for changes of use that would unreasonably affect the amenities of existing residents or adjoining occupiers. This reflects NPPF paragraph 17 guidance, that planning

should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. The application has generated significant local interest with objections from residents within the immediate locality of the property along with objections from the Best Friends Day Nurseries located to the side of the application site.

- 6.12 The potential impacts on neighbouring properties arise from the external alterations, i.e. replacement of a first floor window with 2 windows to the rear elevation to enable an increase in the number of bedrooms from 4 to 5 and from the change in the use of the property from a four bed dwelling to a residential care home for 4 children. As set out in paragraph 1.6, in addition to the 4 children, there will be between 2 and 4 staff at the property at any given time. There will be changes in the activity in the immediate vicinity of the site with shift changes resulting in more comings and goings than might be expected in a normal household. Therefore there is potential for increased noise and disturbance compared to a typical single family unit.
- 6.12 The existing house at the application site adjoins 28 Tuffley Road which is used as a day nursery, the "Best Friends Day Nurseries" and is located to the side (northwest) of the application site. The vehicular access, parking and entrance to the proposal adjoin the boundary with no 28. Furthermore, the house itself adjoins the boundary to rear garden to no 28. Although much of the comings and goings associated with the proposed use will be concentrated along the boundary with this property, the impact will be limited as that part of no 28 is adjoining the site is used as a day nursery and its frontage is used for parking. Therefore, there is already a considerable level of activity associated with this non-residential use.
- 6.13 No.1 Campden Road adjoins the site's northeast boundary. The application site's amenity area adjoins this boundary and therefore there is potential for noise and disturbance arising from the use of the amenity area. However, that part of no 1 immediately adjoining the application site contains a garage and driveway. The house itself is approximately 13 metres from the boundary and it is considered that the proposed use will not have an unacceptable impact.
- 6.14 The proposed first floor windows will face Campden Road rather than adjacent properties and therefore it is not considered that there would be any overlooking implications arising from this proposed alteration.
- 6.15 The application has been considered by the Council's Environmental Health Officer who suggests a condition requiring a noise management plan as there has been experience of complaints associated with care homes. While the applicant advises that the proposal would be staffed at all times by professional staff, I consider that a noise management condition is necessary to minimise the potential for noise disturbance and to protect the amenity of neighbouring properties. Subject to this condition and a condition limiting the use to 4 children, I consider that the proposal is acceptable in terms of the impact upon the amenity of neighbouring properties.

Parking and Highway Issues

- 6.16 Paragraph 32 of the NPPF indicates that developments that generate significant amounts of traffic movements should only be prevented or refused on transport grounds where the residual cumulative impact of developments would be severe.
- 6.17 The Highway Authority considers that the access onto Tuffley Lane would be suitable in terms of vehicle and pedestrians and do not consider that additional parking on-street would be detrimental to highway safety on the unrestricted adjacent roads. Furthermore, the site is sustainably located on a regular bus route, within walking distance for staff within the local Tuffley area and to various local amenities reducing reliance on private vehicle use in accordance with the National Planning Policy Framework. Finally it is noted that one of the objections mentioned a car parked on street in the area was damaged by a passing vehicle, however highways have no evidence to confirm this incident or that it was associated with the site accesses or a result of driver error.
- 6.18 The Highways Authority originally expressed concerns regarding the access onto Campden Road, however the applicant subsequently submitted an amended drawing showing that access blocked up and the footpath re-instated. Highways commented on the amended drawing, with no highway objection subject to conditions.

Housing Need and Housing Mix

- 6.19 Paragraph 50 of the NPPF calls for inclusive and mixed communities and that there should be plans for a mix of housing based on current and future demographic trends and the needs of different groups in the community. The applicant has provided published information in support of the need for the proposal. This includes the 2016 Sir Martin Narey report into Residential Care in England which recommends that local authorities take more responsibility in steering the location and type of homes to meet the needs of an area and the need for young people to be normally located near, or in their community.
- 6.20 The Applicant has also provided information indicating how the proposal would meet the needs for residential care for young people in Gloucestershire (based on the Sufficiency Statement for Gloucestershire). Currently 62.5 % of young people in residential care are living out of the county and the majority of young people requiring residential care are aged 13-17. Therefore the applicant considers that the proposal would meet the Gloucestershire need for residential care for young people.
- 6.21 The Council's Housing Strategy and Enabling Service Manager has also confirmed that there is a need for the specialist type of residential accommodation proposed. Therefore it is considered that the proposal would contribute towards a specific housing need in the area.

- 6.22 Concerns have been raised about the harmful implications arising from the concentration of children's care homes in the locality. Consideration has been given above to the impacts of the application proposal on the amenity of neighbouring properties, traffic and parking. It is not considered that the additional impacts arising from the proposal would result in unacceptable harm.

Conclusion

- 6.23 Taking all the above into account, it is considered that the proposal is acceptable in principle having regard to policies CS7, H18a and NPPF paragraph 50. The site is located in a sustainable location, will widen accommodation choice and will contribute towards inclusive and mixed communities. The proposal would not be markedly different in either appearance or usage to a large family occupied dwelling and the residential character of the local area would be retained. The proposal has been considered having regard to potential impacts in relation to amenity, traffic, car parking and housing need and it is considered that notwithstanding the objections received, that subject to conditions including restriction of the use, the proposal is acceptable as it is considered to cause no greater harm than the existing use.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

That planning permission is granted subject to the following conditions:

Condition 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 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 development hereby permitted shall be carried out in accordance with the details included in the application form, planning statement, proposed elevations (004) and proposed floor plans (003) received by the Local Planning Authority on the 06/11/2016 and the amended site access plan entitled (Plan showing Existing Site Access with Proposed Alternative Road) (006) received by the Local Planning Authority on the 20/01/2017 together with 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 the Second Deposit City of Gloucester Local Plan (2002).

Condition 3

Prior to the first use of the property as a residential institution a noise management plan shall be submitted and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The use of the development shall be carried out in accordance with the approved details.

Reason

To protect the amenity of the neighbouring properties in accordance with policy BE.21 of the Gloucester City Council Second Deposit Local Plan (2002)

Condition 4

The premises shall be used only as a registered children's home for up to four young people between the ages of 11 and 17 and for no other purpose, including any other purpose in Class C2 of the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the local planning authority.

Reason

To ensure that the use remains compatible with the surrounding area and to protect the amenity of neighbouring properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Prior to the commencement of the use hereby permitted the existing access onto Campden Road shall be closed up in accordance with the details indicated on drawing no 006. The vehicular parking area shown drawing no 006 shall be provided prior to the commencement of the use and shall be kept available thereafter for the parking of vehicles.

Reason:

To ensure appropriate parking provision and a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework and policy BE21 and TR31 of the Second Deposit City of Gloucester Local Plan (2002).

Notes to Applicant

1. Your attention is drawn to the requirements of the Building Regulations, which might be needed 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.
2. The proposed development will require the removal of a footway/verge crossing with reinstatement of the footway and the Applicant/Developer is required to obtain the permission and highway works agreement from the County Council before commencing any works on the highway.

NPPF

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:

Person to contact: Aeron Rees
(01452 396732)

