

Unrestricted Report

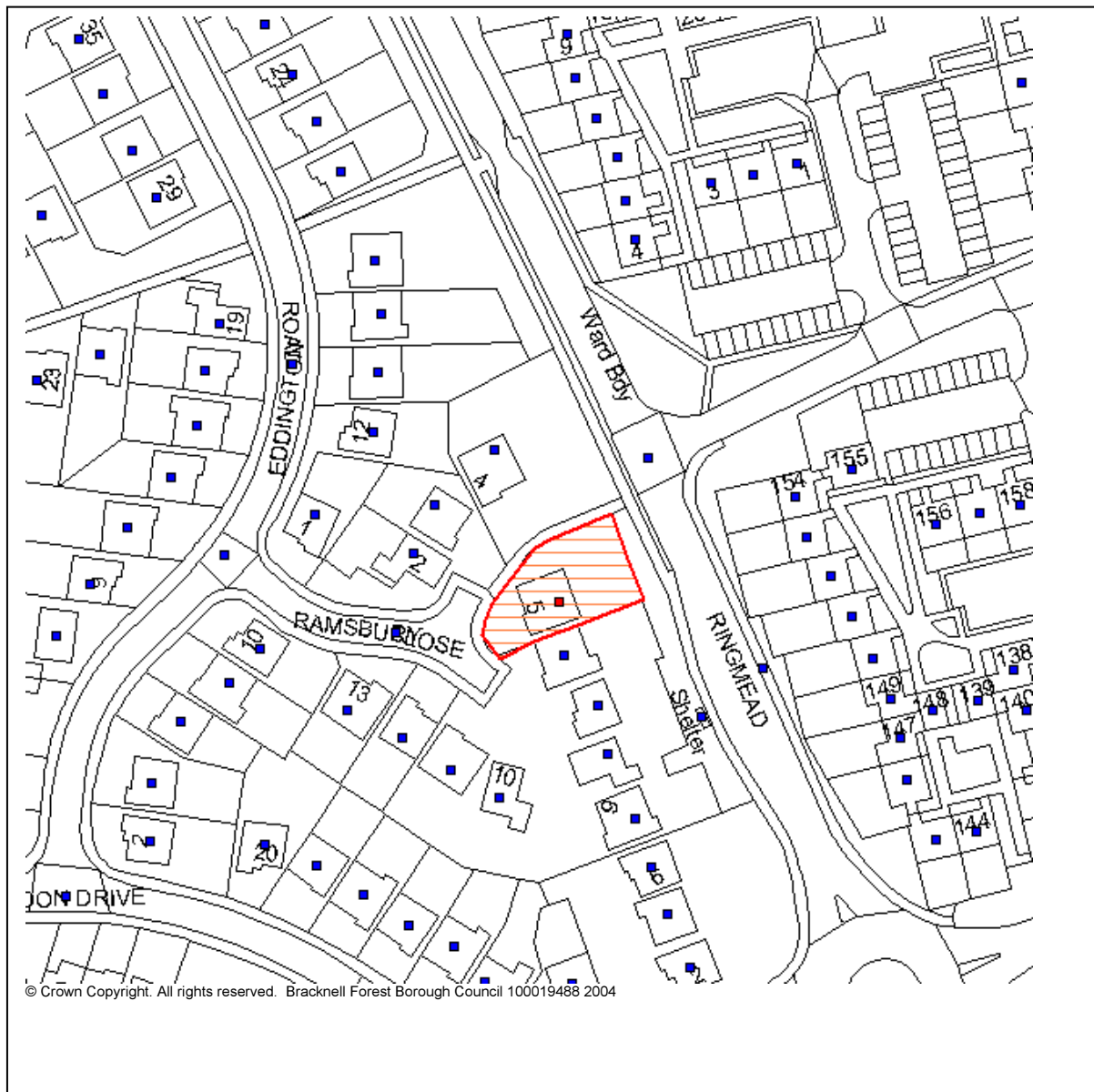
ITEM NO: 10

Application No.
14/00317/FUL
Site Address:

Ward: Great Hollands South
Date Registered: 31 March 2014
Target Decision Date: 26 May 2014
5 Ramsbury Close Bracknell Berkshire RG12 8GE

Proposal: **Change of use from residential house to childrens home.**
Applicant: Mr Rajendra Mahadeo
Agent: Ms Deborah Royce
Case Officer: Paul Corbett, 01344 352000
Development.control@bracknell-forest.gov.uk

Site Location Plan *(for identification purposes only, not to scale)*



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is reported to the Planning Committee as it has attracted more than 3 objections.

2. SITE DESCRIPTION

The site comprises an existing detached four bedroomed residential house with an attached garage and driveway set within a small cul-de-sac of a larger residential neighbourhood of Great Hollands.

3. RELEVANT SITE HISTORY

No relevant planning history.

4. THE PROPOSAL

The proposed development is for the change of use from a residential dwelling to a children's home. The existing floor layout of the dwelling is to remain unchanged with the retention of 4 bedrooms at first floor and all the amenities on the ground floor with the exception of one room which is labelled as a staff room. This room is understood to be the one room that would be used as a staff 'sleep in' room and office.

The maximum number of adults and children on the premises at any one time would be six. A standard kitchen would still be provided with full cooking facilities.

It is considered that such a use would fall under Class C2 (Residential Institutions), therefore a planning application for change of use from the existing residential dwelling C3 Use) is required for the proposed development.

The applicant's planning statement dated 8 April 2014 confirms that the children's home will need to be registered with Ofsted and will enable 4 boys within the ages of 10-18 to live in a family environment where they feel safe. They will attend school or college on a full-time basis and at other times be involved in activities within the local area.

It is confirmed that a small consistent team of residential workers with a Home Manager and deputy will work with the children. There will be two workers with the boys when they are home and at night one member of staff will sleep in, and one member of staff will come in late to remain awake through the night, should the children need them.

It is also confirmed that the home will need to operate in accordance with the Ofsted regulations and minimum care standards for children's homes; and it will therefore be subject to regular inspections and continued monitoring.

5. REPRESENTATIONS RECEIVED

Bracknell Town Council was consulted on the application, and recommend refusal for the following reasons:

- concerned with different age ranges as stated within the planning application form
[Officer Comment: the issue of age ranges of the children is clarified within the applicants planning statement received on 8 April 2014]

6 letters of representation from neighbouring residents have been received in respect of the proposed development. The following concerns are raised.

- Concerns that the proposed use will substantially change the character of the road : there will be additional traffic arising from the changing shifts of staff as well as visitors arising from a commercial use of the premises.
- Concerns that the change of use will create parking issues
- Concerns with regards to noise and disturbance, resulting in police visits
- The change of use breaches the Title Deeds of the properties in Ramsbury Close which state that they are for residential purposes
- Concerns with the lack of supervision from carers looking after the children
[Officer Comment: covenants are not a planning matter]

6. SUMMARY OF CONSULTATION RESPONSES

Highway Authority:

The existing level of parking is considered acceptable for the proposed use. Conditional approval is recommended.

Crime Prevention Design Advisor - Thames Valley Police

The Police are supportive of intervention work such premises provide.

Environmental Health:

It is confirmed that there are no records of complaints relating to noise disturbance at this property.

It is also advised that should food be provided as part of the children's care and accommodation, the Operator, or a representative, will be required to register the premises as a food business with Bracknell Forest Council. This is to ensure the premises will be subject to a food safety inspection, to make sure the food given to any person is prepared, stored and handled safely. An informative is therefore advised to be included on any planning permission

Director of Children, Young People and Learning:

As with any children's home the Council would need to be assured that all necessary requirements related to the safeguarding of children and young people were met fully and rigorously monitored. The Council would expect to be informed about the details of each child resident in the home, their status, age, gender and the educational provision made for them.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)

'Retained' Policies of the South East Plan 2009 (SEP)

Core Strategy Development Plan Document 2008 (CSDPD)

'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)

Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

The existing property no.5 Ramsbury Close is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013).

CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes.

CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

Given this proposal is located within the settlement of Bracknell it is considered that it complies with the above development policies CP1, CS1 and CS2.

BFBLP Saved Policy H11 seeks to prevent any loss of the existing dwelling stock except where:

- (i) a change of use is the only way of ensuring that a building listed as being of special architectural or historic interest could be kept in good order; or
- (ii) the continuation of a residential use would result in adverse local environmental conditions; or
- (iii) community benefits would result which could not be achieved by other means.

In general terms Policy H11 of the BFBLP supports the aim of the NPPF (core principle bullet 3) to proactively drive and support sustainable economic development to deliver homes etcthat the country needs, and can be afforded weight (in relation to para. 215 of the NPPF).

Whilst it is acknowledged that this policy seeks to prevent the loss of existing housing stock and criterion (iii) is considered to be most applicable to this proposal, it also states that Development which would result in any loss of the existing dwelling stock will not be permitted except where community benefits would result which could not be achieved by other means.

It is considered that this property will still remain as a form of residency albeit for children as a home. Smaller children's units such as this example with the appropriate controls create a less sterile environment for the children where they can hopefully feel they can better reintegrate back into with the wider community and feel safer. It is considered that such small integrated units do therefore provide wider community benefits that may not necessarily be achieved by other means such as large institutions. The local police have indicated they are supportive of such facilities.

Given the proposal will not result in any physical changes to the property itself, it will retain the appearance and similar functionality of a normal family dwelling and should its use cease it could very easily revert back to a normally dwelling house.

Furthermore, the LPA is required to meet the housing needs of all members of the community (Policy CSDPD Policy CS16 seeks to meet the housing needs of all sectors of the community such as singles, couples, families, young and the elderly). This is consistent with the NPPF para 50 which states the LPAs should plan for a mix of housing that meets the need for different groups with the community. It is therefore considered that this proposal would not in principle conflict with CSDPD Policy 16 and BFBLP Policy H11.

BFBLP Saved Policy H3 states that the subdivision and conversion of dwellings for residential purposes (including institutional homes and houses in multiple occupation) will be acceptable except where:

- (i) there would be an adverse impact on the character of the area and the amenities of nearby residential properties; or
- (ii) there would be an intensification of activity or an increase in traffic generation which would adversely affect the character of the area; or
- (iii) there is unsatisfactory parking provision for vehicles and cycles.

Preceding paragraph 5.25 states that the conversion of smaller family houses to create a greater number of units is often problematic due principally to the additional demand for car parking, the loss of garden area and the general intensification of activity within the locality.

This particular proposal does not seek to create any additional rooms but proposes to utilise the existing 4 bedrooms for 4 children and 2 adults which in terms of intensification could not be reasonably argued to be materially different to that of normal family household.

The development policies are considered to be consistent with the sustainable development principles of the NPPF and as a consequence are considered to carry significant weight.

As a result, the proposed change of use is considered to be acceptable in principle, subject to no adverse impact on the street scene and character of the area, amenity of neighbouring occupiers, highway safety etc. These issues are addressed in the preceding sections of this report.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

BFBLP Saved Policy H3 (i) states that the subdivision and conversion of dwellings for residential purposes (including institutional homes and houses in multiple occupation) will be acceptable except where there would be an adverse impact on the character of the area and the amenities of nearby residential properties. Similarly BFBLP Policy EN20(i) and CSDPD Policy CS7(j) seeks to ensure development remains sympathetic with the appearance and character of the local area.

These policies are considered to be consistent with the objectives set out within the NPPF. In addition para. 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live and para 50 requires LPAs to plan for a mix of housing that meets the need for different groups with the community.

This applicant does not propose any changes to the property and thus the external appearance of the dwelling will remain unaltered. It is therefore considered that on the basis of no external works the property will remain of the same character and appearance of the other properties within the street and thus would remain compliant with BFBLP Saved Policy H3(i), EN20(i) and CSDPD Policy CS7(i).

10. RESIDENTIAL AMENITY

BFPLP 'Saved' Policy EN20 (vii) refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFPLP Policy 'Saved' EN20(i) is for the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. This is considered to be consistent with the core principle relating to design in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and consistent with the general design principles laid out in paras. 56 to 66 of the NPPF.

BFBLP Saved Policies EN20 (vii) and H3 criteria (ii) is considered to be specifically relevant to this proposal and safeguarding the neighbour's residential amenity. This part of the policy states that the subdivision and conversion of dwellings for residential purposes (including institutional homes and houses in multiple occupation) will be acceptable except where there would be an intensification of activity or an increase in traffic generation which would adversely affect the character of the area.

It is acknowledged that residential amenity is most likely to be affected by the level of occupancy of the premises associated with the proposed use as a children's home as opposed to anything else. However the applicant has confirmed that the premises will house a maximum of 4 children between the ages of 10-18 (as confirmed in their Planning Statement received 08.04.14) and that they will be cared for by two carers overnight. It is also confirmed that the children will attend school and/or college on a full time basis and where possible engage in other activities within the locality outside of schooling times. Given the level of occupancy proposed it is felt the number of children can be reasonably secured by condition; it is considered that this will not be dissimilar to a normal family within a single household.

Concerns have been raised with regards to a potential increase in additional visits by other professionals that may visit the premises resulting in an increase in traffic generation; however this is likely to remain limited given the number of children and adults that would live at the premises. It would therefore be difficult to evidence on the basis of the number of occupants that the likely increase in traffic generation would adversely affect the character or residential amenities of the local residents.

Therefore the concerns raised in terms of the perceived noise and disturbance likely to arise from this change of use to a children's home cannot be justified especially given the LPA is recommending controls on the number of children that can reside at the site. It is therefore considered that there is insufficient evidence to suggest this change of use would adversely impact upon the neighbouring residents living conditions to warrant a reason for refusal.

As the proposed use would be of a similar character to the current residential use of the property, the existing amenity space is considered acceptable in terms of meeting the need of the number of occupants and similar to the provision at other properties within the locality.

As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties and it would be in accordance with BFBLP Saved Policies EN20 (vii) and H3 criteria (ii) and the NPPF.

11. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the LPA will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 seeks to ensure that new development has sufficient car parking. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings. The NPPF allows for LPAs to set their own parking standards for residential development and therefore the above policies are considered to be consistent with the NPPF.

Given the details of how the premises will be managed and staffed, it is anticipated that it will operate in a similar manner to a normal residential dwelling not resulting in any highway safety issues. The current level of off-street parking should therefore be retained. This is currently in the form of an integral garage with two parking spaces to the front. Any visitors could utilise the existing on-street parking available to non-residents in the immediate vicinity of the property.

The Highways Officer raises no objection to this proposal subject to the imposition of conditions that secure the existing parking arrangements to be retained thereafter.

As it is considered that this particular change of use would not result in a greater use than that of a normal dwelling, it would not have an adverse impact on highway safety, and would be in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy EN20, the Parking Standards SPD and the NPPF.

12. CONCLUSIONS

Being located within the defined settlement, proposal is considered to be acceptable in principle. Consideration has been given to the impact upon the character of the area, amenity and transport matters. Since the proposed change of use to a children's home would not result in a scale of use dissimilar to any other dwelling, and as no external changes and alternations are proposed, it would not result in an adverse impact on the character and appearance of the dwelling itself or the amenities of the residents of the neighbouring properties, or on highway safety. Having regard to the above, whilst a loss of a residential unit would result if the scheme is approved, this is considered acceptable, as the proposal would result in a community benefit through contributing towards meeting the wider housing needs of the community. It is therefore considered that subject to the recommended conditions the proposed development complies with the Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2, CS7, CS16 and CS23, BFBLP 'Saved' Policies H3, H11, EN20 and M9 and the NPPF. It also meets the requirements set out in the Parking Standards SPD.

13. RECOMMENDATION

The proposal is recommended for conditional approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 10th April 2014:

Site Location Plan received 31.03.14
Ground Floor Plan received 31.03.14
First Floor Plan received 31.03.14
Planning Statement received 08.04.14

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. The premises shall be used for purposes as a children's residential care home only and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987) (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: In order to enable the local planning authority to control non-residential uses in this predominantly residential area.

[Relevant Policies: BFBLP Saved Policy EN20; Core Strategy DPD CS7]

04. The use of the premises as a children's residential care home shall be limited to a maximum of four children (ages 10-18) in residence at the premises at any one time.

REASON: in the interests of neighbour amenity and the amenity of the area.

[Relevant Policies: BFBLP H3, EN20; Core Strategy DPD CS7]

05. The premises shall not be occupied as a children's residential care home until a car parking and turning plan has been submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP Saved Policy M9, Core Strategy DPD Policy CS23 and Parking Standards SPD]

06. The garage accommodation shall be retained for the use of the parking of vehicles at all times.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met

[Relevant Policy: BFBLP Saved Policy M9 and Parking Standards SPD]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. If food is provided as part of the children's care and accommodation, the Operator, or a representative, is required to register the premises as a food business with Bracknell Forest Council. The relevant form can be found at <http://www.bracknell-forest.gov.uk/registrationfoodbusinesses>. Alternatively you may request a copy by ringing our Customer Service Centre on 01344 352000, which is open from 8.30am to 5.00pm, Mondays to Fridays, or by emailing Environmental.Health@bracknell-forest.gov.uk.

Information on starting a food business can be found at <http://www.food.gov.uk/business-industry/caterers/startingup/>. Alternatively you may request a copy by ringing our Customer

Service Centre or by emailing Environmental Health@bracknell-forest.gov.uk.

If the application is approved the premises will be subject to a food safety inspection, to make sure the food given to any person is prepared, stored and handled safely.

03. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

01. Time Limit

02. Approved Plans

03. Use restriction

04. Number of Children Restriction

05. Retention of garage parking

The following conditions will require a formal submission and written approval before the change of use as a children's home can be brought into operation

06. Parking Plan

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk