

Item No. 3

Application No: P/09/2471/2

Application Type:	Full	Date Valid:	22nd December 2009
Applicant:	Charnwood Borough Council		
Proposal:	Change of use of ground floor flat (Class C3) to community facility (Class D1).		
Location:	Flat 72 Warwick Way, Loughborough, LE11 4UG		
Parish:	Loughborough	Ward:	Loughborough Storer Ward
Case Officer:	Mrs H Baker	Tel No:	01509 634741

Description of the Application

This proposal relates to the change of use of a ground floor one-bedroom flat within a row of two storey flats facing Warwick Way.

The 'Community House' would serve the Warwick Way Estate and is proposed to be used for the following purposes:

- An advice point for Borough Council and other agency services to all those living within the community,
- A base for the local community/tenant association,
- The provision of agencies' 'surgeries' – including debt advice, police, PCT etc
- Small meetings – including 'Steering Group', tenant association (maximum of 14 people), and
- One to one or small group training sessions, for example, healthy eating, smoking cessation, etc.

The facility would comprise two meeting rooms (the former bedroom and living room), small kitchen and a disabled access wc. The existing entrance door, accessed via an internal lobby would be closed off and replaced by an external door on the south-western side of the flat.

Its proposed opening times are 8am–9pm (Monday-Saturday) and 8am–5pm (Sundays).

The Borough Council would directly manage and control the proposed community facility. A 'House Committee' comprising partners (Police, Charnwood Neighbourhood Housing, Voluntary Action Charnwood, Warwick Way Tenants, residents and other agencies as appropriate) would be established to ensure the facility is being used to its optimum and not being misused.

The nearest car park is approximately 75m away from the site, behind 47-57 Milton Street, which is accessed via a public footpath link. It is anticipated that the majority

of users of the proposed community facility will arrive on foot as they live in the local area. Where private vehicles are used, drivers would be reminded to park lawfully, respect neighbours and use the nearby car park.

The Ward Councillors for the area have requested that the application is determined by the Plans Committee.

Development Plan Policies and other material considerations

Development Plan Policies

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

Policy ST/1: Overall Strategy for Charnwood sets out the aims to guide the preparation of the Local Plan which include:

“facilitating the provision of the full range of buildings and amenities for education, health, public services, community centres and places of workshop necessary for the social and cultural well being of the whole community”.

Policy EV/39 has a presumption against permitting new development which would adversely impact on the amenities of nearby residents, unless satisfactory measures to overcome any problems are provided.

Policy TR/6 seeks to ensure that new development does not result in unsafe and unsatisfactory operation of the highway system or have a significant adverse effect on the environment through highway related measures or designs.

Policy TR/18 has a presumption against development unless off-street parking is included to secure highway safety and minimise harm to visual and local amenities.

Circulars

Circular 11/95 The Use of Condition in Planning Permissions gives advice about the circumstances when planning conditions are reasonable.

Other Material Considerations

The need for a community facility to serve the Warwick Way Estate was identified a number of years ago and continues to be regarded as being vital to strengthening the ‘community voice’ and bringing about sustained improvements within the area, which is one of the most deprived in the County in terms of income, employment, health, education, crime and income deprivation affecting children and older people. Until now there has been neither the funding nor the availability of a suitable property.

A community facility in this area would not only provide the focal point for community engagement but would draw in statutory and voluntary service providers to work with those who are socially disadvantaged. Increasing access to these

providers is seen as crucial to the delivery of sustained action, increased confidence in those services and improving community pride within the area.

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

Relevant Planning History

None

Responses of Statutory Consultees

The highway authority originally objected to the proposal on the grounds the property has no off-street parking provision, which would lead to increased street parking, particularly on Milton Street close to its junction with Warwick Way, which would impede the free flow of traffic at the junction to the detriment of highway safety.

Following the receipt of further information regarding the proposed use, the highway authority has reconsidered its initial response. On the basis that 'service providers' visiting the site will be directed to use the off-street car park, with the likelihood that the majority of users of the facility will arrive by foot, the Authority has withdrawn its objection. It is aware that the off-street parking of users of the facility cannot be conditioned, but considers that restricting the activities taking place at the site and granting a personal permission to the Council for the proposal, would ensure that this matter would be reasonably managed. Thus, if in the future, the facility is proposed to be operated by a third party, they would have to apply for planning permission for the use and the car parking issue would be considered again.

Other Comments Received

Objections to the application have been received from the residents of 55 and 57 Milton Road on the following grounds:

- (i) loss of a residential property
- (ii) incompatibility with the residential area
- (iii) no need for such a facility as there are two close by,
- (iv) the potential for anti-social behaviour
- (v) noise and disturbance, particularly during evenings, weekends and Bank Holidays
- (vi) loss of privacy
- (vii) increased parking and traffic in the area
- (viii) lack of pre-application consultation with local residents
- (ix) lack of information submitted with the application.

If permitted, it is requested that there should be more restrictive controls over the hours of opening than those proposed and the nature of activities taking place which

should be appropriate for the residents of the surrounding area who are largely elderly.

Consideration of the Planning Issues

The main issues for consideration in the determination of this application for the following:

- Land Use
- Highway safety
- Impact on residential amenity

Land Use

In land-use terms, a small-scale community facility is considered acceptable within the residential area it serves, subject to it not having an injurious impact on the amenities of the neighbourhood.

Whilst a residential property would be lost from the Borough Council's rental stock this needs to be balanced against the benefits that such a community facility would bring to the area. These are well-documented above.

Although there are two other community facilities nearby – Gorse Covert Community Centre on Maxwell Drive and the Raglan House Association Community Room they do not provide the required accommodation in the right location.

Gorse Covert Community Centre, Maxwell Drive, is a well established large facility that supports a number of groups and classes in the area but does not offer the on-site presence required for this project's purpose. Raglan Housing, a private registered social housing provider, makes a community room available to their tenants, which provides a small meeting space for their established tenant association group activities e.g. coffee mornings, Police Surgery, access to housing officer and drop-in advice sessions. This facility is provided for the benefit of their tenants only and therefore is not available for regular use by non-Raglan Housing tenants.

Historically the use of Gorse Covert Community Centre and its groups by Warwick Way residents has been limited. The proposed facility would not duplicate any activity undertaken at the Community Centre, but will 'sign post' tenants and residents to the venue in order to increase take-up of group events delivered from that facility.

Impact on residential amenity

It is acknowledged that the site is in close proximity to adjoining flats however the proposed relocation of its main entrance from the communal hall and its small size would limit the impact of the facility on the amenities of these particular occupiers, none of whom have objected to the proposal.

Granting a personal permission to the Borough Council and limiting the times of opening and activities to those specifically referred to in the Description of the Application above should further ensure that the activities taking place are managed and controlled effectively and restricted in their scope and timing thus reducing the potential for adversely impacting on neighbouring properties.

The impact on less immediate neighbours is more related to the coming and going of visitors to the property, whether on foot or in vehicles. It is not considered that the volume or timings of such visitors would be such that it would have a significantly detrimental impact on the living environment of such residents.

Having regard to the above, it is considered that the proposal accords with Policy EV/39 of the Local Plan.

Highway Safety

Having regard the proposed use of the property (which would be limited by planning condition to the specific activities listed in the Description of the Application), it is likely that the majority of its visitors will arrive on foot as they live in the local area. Whilst there is the potential for additional parking on the street by vehicle-borne visitors to the facility, there is a car park nearby which such visitors will be encouraged by the Borough Council to use. This cannot be required by condition (it would not meet the tests of reasonableness or enforceability) but would form a Note to Applicant.

The highway authority has accepted that the granting of a personal planning permission to the Borough Council and limiting the scope of its usage would be sufficient to overcome its initial concerns about increased street parking, such that it has withdrawn its objection. It is considered that the conditions which would be imposed on the planning permission (see Recommendation below) would reduce the potential for increased street parking associated with the proposed facility and therefore there are insufficient grounds to refuse this application for highway safety reasons. The proposal is considered to accord with Policies TR/6 and TR/18.

Other Matters

Although each site has to be looked at on its own merits, it is noteworthy that a similar facility (with no hours restriction or personal permission) has been provided in the Russell Street flat complex in Loughborough by the Borough Council which is reported to be going from strength to strength, not causing any disruption to neighbours and being very welcomed by residents, police, CNH and other agencies.

It is unfortunate that full public consultation with the wider neighbourhood was not undertaken before the submission of the application and that the application lacked detailed information when originally submitted. However, these matters have been addressed during the processing of the application and do not provide reasonable grounds for refusing planning permission.

RECOMMENDATION

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 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.

2 - This permission is solely for the benefit of the applicant and shall not run with the land.

REASON: But for the special circumstances of the applicant, the local planning authority would not have been prepared to grant permission for the development.

3 - The premises shall not be used other than for purposes set out in the Briefing Note received by the local planning authority on 3 February 2010 and for no other purposes (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.

REASON: To ensure that the use remains compatible with the surrounding area.

4 - The use, hereby permitted, shall not commence until such time as the existing external door has been permanently closed shut and the proposed external door has been formed and is available for use. This access arrangement shall be maintained at all times therefore.

REASON: To minimise the impact of the use on the amenities of adjacent residents.

5 - No use of the premises shall be carried out other than between 0800 hours and 2100 hours on Mondays to Saturdays, and 0900 hours and 1700 hours on Sundays.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Informatives

1

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, EV/39, TR/6 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and,

otherwise, no harm would arise such as to warrant the refusal of planning permission.

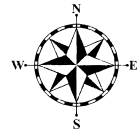
3

To deal with the parking issues raised by this proposal, you are requested to encourage the use of other means of transport (than private vehicles) by users of the facility who do not arrive on foot. Where private vehicles are to be used, drivers should be reminded to park lawfully, respect neighbours and use the nearby parking court (on the opposite side of 47-57 Milton Street from the application site).



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Location: Flat 72 Warwick Way, Loughborough, LE11 4UG
Scale: 1:500

