

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	18 August 2020
<b>Site Location:</b>	St Petroc Pirton Lane Churchdown Gloucester Gloucestershire GL3 2QN
<b>Application No:</b>	20/00362/FUL
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Churchdown
<b>Proposal:</b>	Part change of use of existing dwelling to a physiotherapy clinic and retention of shed in front garden.
<b>Report by:</b>	Mr Adam White
<b>Appendices:</b>	Site location plan Existing floor plans Existing elevations Proposed floor and elevation plans Site photographs
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a property known as St Petroc, which is a large detached property located on Pirton Lane in Churchdown (**see attached site location plan**). The site is located in a wholly residential area and is surrounded on all sides by existing residential development.
- 1.2. The application proposes to change the use of part of the property to be used as a physiotherapy clinic. The plans show that the use would be confined to a small area on the ground floor, which is currently used as a family room and garden store. These rooms would be converted to a single consulting room with a separate lobby/waiting area. The remainder of the property would be retained in use as a dwelling.
- 1.3. The clinic would be operated exclusively by the applicant who currently resides at the property no other employees would be working from the premises. It is stated that the business would normally operate between the hours of 09:00am to 14:45pm, Monday to Friday and it is anticipated that there would be approximately 35-40 half hour appointments per week (approximately 7-8 visits per day).
- 1.4. The application also proposes the retention of a shed in the front garden

- 1.5. It should be noted that the application as originally submitted proposed a single storey extension to the front elevation, which would be used for the physiotherapy clinic. However, that part of the scheme has now been withdrawn.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
58/00674/FUL	Erection of five detached houses (in substitution for six semi-detached dwellings previously approved) and garages.	PERMIT	17.04.1958
16/00976/FUL	2 storey side extension and extend front porch	PER	18.10.2016

## 3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies: SD1, SD4, SD14, INF1

### Tewkesbury Borough Local Plan to 2011 - March 2006

- 3.4. Policies: EMP2, HOU8

### Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

- 3.5. Policies: RES10, EMP3, EMP5, TRAC1, TRAC9

### Churchdown and Innsworth Neighbourhood Plan 2018-2031

- 3.6. Policies: CHIN2, CHIN3, CHIN14

- 3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

- 3.8. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

4.1. Churchdown Parish Council objects for the following reasons:

- Whilst there is no policy or a 'building line' to the front of the properties in Pirton Lane, the extent to which the proposed development projects beyond the perceived property line must be considered a material consideration in that it will severely compromise the street scene.
- The proposed development constitutes serious over development on this site.
- By virtue of business status there will be an increase in traffic entering and exiting the property. Consequently, this will compromise highways safety for motorists, pedestrians and cyclists, particularly as the property is near to a school.

4.2. Environmental Health (WRS) – No objections.

4.3. Highways Authority – No objections.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1. The application has been publicised through the posting of a site notice for a period of 21 days.

5.2. Two letters of objection have been received on the ground of highway safety as a result of the proposed business use. In particular, concerns are raised in respect of the access serving the site, the increase in traffic and parking arrangements.

## **6.0 POLICY CONTEXT**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Churchdown and Innsworth Neighbourhood Plan 2018-2031.

6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. The weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

6.4. The relevant policies are set out in the appropriate sections of this report.

## 7.0 ANALYSIS

### Principle of development

- 7.1. In terms of the principle of the business use, Policy SD1 of the JCS, supports employment-related development where it would encourage and support the development of small and medium sized enterprises, subject to other policies of the plan. Similarly, Policy EMP2 of the Local Plan supports proposals for new employment uses within settlements where the following criteria are satisfied:
- **Any increase in traffic can be accommodated by the existing transport network, in particular public transport;**
  - **Satisfactory vehicular access, adequate parking and manoeuvring space can be provided;**
  - **Residential amenity of neighbouring properties is not adversely affected;**
  - **The scale and design complements the existing townscape; and**
  - **Environmental impact is minimised.**
  - **There is provision for safe and convenient access by pedestrians, cyclists and public transport users.**
- 7.2. The principle of the business use is also supported by Policy EMP3 of the emerging Borough Plan that supports proposals for employment uses within settlement boundaries but not on allocated sites, including redevelopment, change of use, intensification and extensions. Policy EMP5 of the emerging Borough Plan sets out the general criteria for new employment development and requires, inter alia, safe and convenient access by transport modes; satisfactory vehicular access and parking provision; and no unacceptable impacts on the amenity of neighbouring uses.
- 7.3. Regarding the retention of the shed to the front of the property, this should be treated as a domestic extension and assessed against policy HOU8 of the Local Plan. Policy HOU8 supports extensions to existing dwellings where it respects the character, scale and proportion of the existing dwelling and the detailed design reflects or compliments the design and materials of the existing dwelling. The proposal must not result in inadequate car parking or manoeuvring space and the proposal must not have an adverse impact on neighbouring property.

### Access and highway safety

- 7.4. The site is currently accessed directly off Pirton Lane and the proposal does not propose to alter this arrangement. However, concerns have been raised that the business use would increase the traffic entering and existing the property, which would compromise highway safety. The suitability of the proposed parking arrangements has also been questioned.
- 7.5. As previously set out, the proposed business use would be confined to a small area on the ground floor, which would encompass a single consulting room and a separate lobby/waiting area. The practicing physiotherapist is currently residing at the property and it is stated that there would be no other employees working from the premises. It is stated that the business would normally operate between the hours of 09:00am to 14:45pm, Monday to Friday and it is anticipated that there would be approximately 35-40 half hour appointments per week (approximately 7-8 visits per day).

- 7.6. Following consultation with the Highways Authority, no objections have been raised on the grounds of highways safety. However, it was pointed out that the plans as originally submitted showed a very confusing and complicated parking arrangement and that the front garden is large enough to arrange the parking in a more logical manner. In response to this, revised plans have now been submitted, which show parking provision for 3 vehicles and sufficient manoeuvring space within the site to allow vehicles to exit the site in a forward gear. It should also be noted that the removal of the front extension from the proposals means that there is now more space within the site to accommodate the required parking and manoeuvring space. Subject to a planning condition to ensure that development is carried out in accordance with what has been shown on the drawings, it is considered that there would be an acceptable impact on the highway network.

### **Design and layout**

- 7.7. In terms of the alterations to the existing property required to facilitate the business use, the only external changes would be the replacement of the garage doors with a set of doors with glazing on either side. These changes are considered to be relatively minor and acceptable.
- 7.8. Regarding the shed, this is a small flat roof structure that is clad in timber and has a somewhat contemporary appearance (**see attached photographs**). It sits close to the front elevation of the property and on the boundary with the neighbouring property. This boundary is also formed by a tall timber fence.
- 7.9. It is considered that the shed is of an acceptable size, scale and design and the materials complement the existing property. Whilst the shed is located to the front of the property, it is set back from the road frontage and is not overly prominent in the streetscene. Furthermore, the shed does not result in inadequate car parking or manoeuvring space.

### **Residential amenity**

- 7.10. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 also provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.11. In terms of the proposed business use, given its scale and operating times, it is considered that there would not be any adverse impacts as a result of the various comings and goings from the property. The proposed use itself would also not generate any unacceptable levels of noise due to its nature. Health have also been consulted and they raise no objections to the proposals in terms of noise and disturbance. However, a condition is recommended to ensure that the use is retained as a physiotherapy clinic to be run in conjunction with the existing property only. Environmental
- 7.12. Regarding the shed, given that the height of the shed is only marginally taller than the existing fence along the party boundary, there is no unacceptable loss of light or outlook to neighbouring property.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. It is considered that the principle of the proposed business use is acceptable and there would be an acceptable impact in terms of highway safety and residential amenity. Regarding the shed, this is considered to be of an acceptable size and design and has an acceptable impact on neighbouring property in terms of light and outlook. The proposal is therefore recommended for **permit**.

## **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out strictly in accordance with drawing No. 0099/09 Rev. B (Proposed Plans).

Reason: To define the terms of the permission.

3. The part use of the property as a physiotherapy clinic shall not commence until the parking and manoeuvring facilities have been provided in accordance with the details shown on drawing No. 0099/09 Rev. B (Proposed Plans). The parking and manoeuvring facilities shall thereafter be retained in accordance with the approved details and kept available for the duration of the use hereby permitted.

Reason: To ensure that sufficient parking and manoeuvring facilities are provided and retained to serve the development in the interests of highway safety.

4. The part use of the property as a physiotherapy clinic shall ensue for the benefit of Mrs Lana-Marie Abbey only whilst residing at the property currently known as 'St Petroc'.

Reason: To ensure that the use hereby permitted is not carried out independently of the existing residential use of the property in the interests of residential amenity.