

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	20 July 2021
Site Location:	Charlton Main Road Minsterworth Gloucestershire GL2 8JG
Application No:	19/00465/FUL
Ward:	Highnam With Haw Bridge
Parish:	Minsterworth
Proposal:	Change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (children's care home); erection of a replacement single storey rear extension and erection of front and rear dormer extensions and front and rear dormer windows.
Report by:	Dawn Lloyd
Appendices:	Site location plan Existing and proposed floor plans and elevations x2 Revised drainage Parking Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposal is for two existing dwellings in the settlement of Minsterworth (a service village) to operate as a children's care home. The dwellings are situated on the edge of the village along the A48.
- 1.2 The two properties are adjacent to each other and share the same access on to the highway. The properties are a semi-detached dwelling and the recently constructed detached dwelling to the south.
- 1.3 The semi-detached dwelling Charlton is to have a small front dormer extension and a larger box dormer to the rear. The existing rear extension is to be replaced with a larger flat roofed single storey addition. Five bedrooms would be provided. The recently constructed detached dwelling has 4 bedrooms.
- 1.4 Two separate applications were originally submitted: one for each dwelling. However, as the proposal included shared access and parking arrangements and a joint operation the application was resubmitted as a single application.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00225/FUL	Erection of a 4 bedroom detached house	PER	22.08.2014
19/00466/FUL	Change of use from C3 (dwelling house) to C2 (Children's care home)	NOTPRO	28.02.2020

3.0 RELEVANT POLICY

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

National guidance

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

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

Policies:SD11, SD4, SD14,INF1, INF2

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

No relevant policies

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

No relevant policies

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

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1 **Minsterworth Parish Council** – Objections to the application on the grounds that a semi-detached house might not afford adequate sound proofing for the adjacent dwelling, size of the garden not adequate for children, parking not adequate for additional numbers of staff required, front dormer windows not in character with the street scene.
- 4.2 **The Highway Authority** – Have no objection to the proposal subject to conditions regarding the site access, provision of cycle storage, a car park management plan and a construction management plan all details to be submitted and agreed.
- 4.3 **Environmental Health** – have no objection to the proposed change of use in terms of noise and nuisance.

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 and/or the neighbour notification scheme.

5.2 Six neighbour objections have been received (in summary)

- Impact on privacy of rear amenity space
- Parking, lack of disabled parking provision, access onto A48 and additional traffic movements
- Impact of Noise and anti-social behaviour
- Fire risk and nuisance
- Design, character of the area and amenity space
- Lack of services
- Inadequate drainage arrangements, increase in load on the existing septic tank.

5.3 **Councillor J Smith** has requested a Committee determinations determination to assess the suitability of the proposal in terms of: highway safety; suitability of parking for staff vehicles; drainage arrangements; and impact on neighbouring occupiers.

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), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, 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

7.1 The lawful use of the existing dwellings fall within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987. The application proposes that each of the buildings

would be used as a children's care home run by an established organisation which provides supported accommodation for young people. The proposal is to provide accommodation for children in the under 16 age group with the aim of keeping siblings together.

- 7.2 There would be one member of staff for each child although numbers of children would vary but each dwelling would have a maximum of two children and two adults. The change over for staff would take place between 14:30 pm and 15:30 pm. The children would be supervised at all times on the premises and would attend school during the day and return with the carer. The social development of the child is important and participation in clubs and activities off site would be encouraged therefore the children would not be present onsite at all times and the facility would operate similarly to a normal household. The care home will be registered by Ofsted. The people in each property would not be living together as a single household as the children will be looked after by the staff on a rota basis
- 7.3 On the basis of the above, the proposed use would comprise a change of use of the existing dwellings from Class C3 (Dwellinghouse) to Class C2 (Residential institution).

Principle of development

- 7.4 Minsterworth is designated as a Service village within the Joint Core Strategy which offers a range of services, or road access to major employment area. Policy SD11 supports residential development which meets the needs of different groups in society and supports balanced communities. Provision for specialist accommodation will be supported where there is evidence for a need for this type of accommodation.
- 7.5 The application sets out that the children would be referred by Social Services and other partnership organisations and information has been provided to support the demand for proposal within the county from the Youth Support Team Manager and Children & Young People Commissioning |Gloucestershire County Council.
- 7.6 The proposal would provide specialist accommodation within a service village therefore, principle of the proposal is acceptable subject to other policies of the development plan.

Design and layout

- 7.7 Policy SD4 supports the creation of high quality buildings which function and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 7.8 No external alterations are proposed to the recently constructed detached dwelling and its appearance would remain as a dwelling.
- 7.9 The application proposes a large flat roofed single storey extension to the rear, a box dormer window in the rear facing roof slope and a small dormer window in the front facing roof slope to provide a loft conversion of two bedrooms and a bathroom. The external materials of the building are brick and white render. The rear extension would be rendered to match the existing host dwelling. The materials of the dormer extension would be controlled by condition.
- 7.10 Under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) a dwelling with permitted development rights could erect a single storey extension of up to 3 m to the rear and of eave height not more than 3m and ridge height of 4m. A rear dormer extension to the roof can be created if it does not exceed 40 cubic metres. Given this fall back position for a dwellinghouse, and that the existing use and appearance is that of a dwellinghouse; the rear extensions and are not considered disproportionate additions to the building that could be achieved to a dwellinghouse under permitted limits. Furthermore, there are no properties to the rear to be overlooked and the rear extensions would only be visible from a public foot path to the rear of the site.

- 7.11 There are no front dormer extensions within the streetscene however, the properties in the village comprise a mixture of ages, type and design, with no uniformity in character. The front dormer would be small in scale, it would integrate with the existing building and would not cause any harm to the visual quality of the area. Therefore, it is considered that the proposed extensions and alterations to the dwellings to provide additional accommodation complies with policy SD4.
- 7.12 Objections have been raised regarding the change of use and development would provide an additional fire risk to the adjacent dwelling. The proposed works are appropriate to a residential dwelling and will require building regulation approval, the fire risk is assessed and controlled as part of this process.

Residential amenity

- 7.13 In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.14 Objections have been received regarding the impact on the amenity of neighbouring occupiers in terms of lack of garden space, privacy, overlooking, noise, nuisance and antisocial behaviour.
- 7.15 The garden area to the rear of the semi-detached property would only be reduced slightly with a significant area remaining for amenity purposes. In addition, there is access to public footpaths in the vicinity of the site. The front amenity area currently provides parking for vehicles. Therefore, the slight reduction to the amenity space would not be considered of substantial harm.
- 7.16 Properties on either side of the A48 are set back from the highway with significant separation distance which exceeds acceptable limits, to minimise the impact from direct overlooking. In addition, the front amenity spaces are in part visible from the public realm. Therefore, the overlooking from the dormer is considered minimal.
- 7.17 There would be overlooking of the amenity space of neighbouring properties from the rear box dormer extension. However, this area is already overlooked by existing first floor windows. In addition, views from the box dormer would be more directed to the rear of the site which is land of the detached care home property. There would be oblique views of the less private space of the neighbouring rear garden. Given that there is already overlooking of the area, the proposal is not considered of substantial harm in this regard.
- 7.18 Objections have been received with regard to the impact of noise on neighbouring dwellings properties. However the proposed C2 use, which is modest in scale, comprises of an utility room, 2 additional bedrooms and an additional bathroom to the level of accommodation in the existing semi-detached dwelling with no alterations to the accommodation provided in the existing detached dwelling. The level of accommodation is not dissimilar to C3 residential use of the properties. As such, it would be unlikely to give rise to unacceptable levels of noise and disturbance or types of activity that would not be uncommon in a residential area. The Council's Environmental Health officers have raised no objection to the proposal in terms of noise generation.
- 7.19 It is noted that objectors have referred to Human Rights for different reasons including Article 1 and Article 8 of the Human Rights Act 1998. The right to peaceful enjoyment of

possessions and right to a private life are qualified rather than absolute rights and the consideration of a proposal will inevitably result in a balance between competing individual rights. Regard has been given to the various parties' rights in assessing the application.

- 7.20 Additional information has been provided with regard to the staff shift pattern, numbers of staff and numbers of children. A maximum number of children is two per property with two staff members which would be similar to a residential dwelling. The working pattern for staff is a late day shift, sleep at night then an early day shift. The changeover between shifts occurs between 2:30pm and 3:30pm. In addition, the care home would receive the occasional visit from social workers. Although there would be a peak in movements from the site at during the early afternoon, the noise and disturbance is not considered more harmful to neighbouring residents from that of a C3 use.

Drainage and flood risk

- 7.21 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.22 The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.
- 7.23 There is no proposed alteration to the existing on site drainage systems for each property. A private treatment plant has been installed for the new dwelling. Objection has been received regarding the existing on site drainage provisions being inadequate and that the foul drainage from the properties in this vicinity are adversely impacting farm land to the rear. The additional bathrooms are provided however the facilities are similar to that of C3 use not commercial use and it is considered there is not a disproportionate increase in load on the existing drainage system.

Access and highway safety

- 7.24 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.25 The proposal would use the existing access to the A48, there is sufficient parking provision and manoeuvrability on the site, the highway authority have no objection in principle to the proposal. Conditions are required for a parking and construction management plan to be agreed.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal is appropriate to its context in accordance with policies SD4 and fulfils a need for extra care type housing in accordance with SD11. The application integrates effectively with its surroundings and is not detrimental to the character of the area. The intensification of movements to and from the site is during normal day time hours and is not dissimilar to that of a residential use. The proposal is considered not of substantial harm in terms of amenity, drainage or highway safety.

9.0 UPDATE

9.1 The application was presented to planning committee on the 16th June 2020 where Members resolved to defer the application to:

- 1. Receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer**
- 2. Clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan.**
- 3. Further information in respect of traffic movements and a larger scale site plan to be provided to indicate the sharp bend of the road and the site in the wider context.**
- 4. The application was taken back to planning committee on 20th April 2021. Officer recommendation changed to deferral in view of details had been submitted for building regulation and there was still ongoing discussions in relation to the drainage issues which had not been resolved.**
- 5. In proposing a deferral a Member indicated that he had requested last time, and still wished to see, when the application came back, an up to date assessment of the drainage situation and not one that was based on the position years ago. In seconding the motion for deferral, the Member also requested further information in relation to how many vehicles would be parked on the site at its maximum, taking account of one carer per child and handovers between carers. Upon the motion being put to the vote, it was Deferred.**

Consultations update

9.2 Minsterworth Parish Council - Further objections have been received. The Parish has had objected to other 3 storey houses in Minsterworth. In addition the Parish Object with regard to the drainage arrangements and no adequate drainage system has been proposed and verified and supports pints raised in the report by Simon Jones Parry, Civil Engineers letter/reports dated 3 July and 26 September.

The Parish Council further objected to the proposal as the use had commenced and the noise and disturbance to neighbouring residence and that the police had called to the site.

9.3 Highway Authority - Further comments were received regarding to the submitted parking policy. The Highway Authority has conducted TRICS assessment to ascertain the likely number of vehicle movements to and from the site and the use class and number of bedrooms. The assessment was made against assisted living. From the exercise it transpires the no more than two vehicles are to be on site at any given period in a day. It is considered that in the absence of evidence that would suggest otherwise, the number of car parking spaces proposed are suitable to accommodate the likely demand for the site. The applicant has submitted a parking policy setting out how the parking will be managed which is considered acceptable. No Highway Objection.

- 9.4 **Land Drainage Officer** - Since January 2015 it is illegal to discharge a treatment works to anything other than a drainage field, which means having adequate permeability or to a watercourse that normally has flow throughout the year. Non-domestic sewage discharges needs an Environmental Permit from the Environment Agency. The means of managing the foul and surface waters, to the required standard of protection, needs to be demonstrated that is viable and sustainable.

Further comments: 18 September 2020 - On review of the information, the Plan Elevation and Details drawing, published on the planning portal 9th July, in conjunction with the percolation test results submitted on 29th July indicate that there is suitable accommodation for foul sewage management in the proposed development therefore objections relating to this matter can be removed.

Comments on the additional drainage details submitted - The LDA considered the detailed drainage field design and installation is a matter for building control, but the information submitted with the application indicated that space and soil types are suitable to make this feasible.

9.5 **Publicity and representation**

Additional neighbour objections have been received which raise objections as previously identified with the addition of objections relating to drainage and support of the drainage report by Simon Jones Parry, Civil Engineers (submitted on behalf a neighbour).

Drainage

- 9.6 The Planning Committee required further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer. A site inspection of adjacent land was undertaken by council officers on 31st July 2020 with regard to the drainage arrangements and the site was inspected by the Building Control Officer in March 2021.
- 9.7 Objections have been received regarding the existing on site drainage provisions being inadequate and that the foul drainage from the properties in this vicinity are adversely impacting farm land to the rear. The objections have been supported by independent reports by Simon Jones-Parry Chartered Civil Engineer.
- 9.8 Additional information was provided and drainage reports by Wye Environmental Products and Services Ltd were submitted together with percolation tests. Subsequently, a revised drainage plan was submitted on the 23 March 2021 which proposed a package treatment plant (PTP) in the rear garden of Christie. This was originally intended to serve both properties. However, in order to avoid the need to discharge the outfall to third party land (i.e. the agricultural land beyond the garden to the east), the PTP now only serves the detached dwelling Christie and the field drain for the outfall is all contained within its garden. Charlton remains connected to the existing septic tank system it shared with the adjacent semi-detached dwelling Horaldene. The private treatment plant and field drainage have been installed
- 9.9 A meeting was held with Building Control and the Councils' Land Drainage Advisor on 25th March 2021. The Building Control Officer has inspected the drainage arrangements, for the new dwelling Christie and advises that the private treatment plant and soakaway system installed (all within its residential curtilage) is acceptable. Confirmation has been received from building control that the detached

dwelling including the sewage treatment plant and drainage for the detached dwelling has been completed. Based on the revised drainage installed and the constraints of the site this has been deemed satisfactory

- 9.10 Charlton has reconnected back to septic tank system it previously shared with Horaldene. The future upgrading of this system will be subject to control outside of planning under separate legislation.
- 9.11 The drainage arrangements are therefore considered acceptable.

Clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan.

- 9.12 Since the application was presented to Committee, amended plans have been submitted for Charlton (drawing number 1237.2 C) which removed the loft conversion and front dormer extension originally proposed, and therefore the property would remain three bedroomed. One bedroom has been identified for children use only, one for staff and one for staff or children use.
- 9.13 Christie is a four bedroomed dwelling and the plans indicates that two bedrooms would be for staff and two for children.
- 9.14 The applicant has confirmed that the homes would care for 12 to 16 years of age. Each child needs a staff member (a 1:1 ratio of care). Therefore, two staff are required for each property if there are two children placed. The children are not capable of living unsupervised and cannot be left unattended, and therefore staff will be on site 24 hours a day seven days a week on a shift pattern (typically 7am-3pm : 3pm-11pm : 11pm till 7am).
- 9.15 The Applicant has submitted further evidence for the demand of this type of accommodation and the lack of provision nationally.
- 9.16 The Environmental Health Officer had no objection to the proposal in terms of noise levels. The numbers of people present in the properties would not be disproportionate to that of residential dwellings. The children would be supervised whilst present on the site which would limit any sporadic disturbance.
- 9.17 Objections have been received that the use has already commenced and with regard to parking, traffic movements, noise and disturbance from the application site. At the time of writing this report Christie is occupied and Charlton is not. The Applicant considers the current use at Christie falls within a residential class C3 use (i.e. not the 'care' C2 use proposed in this application). This is being investigated by the Council's Enforcement Officers.

Traffic movements

- 9.18 A plan was submitted of the onsite parking arrangements and a parking management plan. The Parish council have raised concerns regarding parking of vehicles taking place at the site.
- 9.19 A location plan Drawing Number 1256.6 showing the site in the wider context and its proximity to the sharp bend on the A48 was submitted on the 22th June 2020 and is attached to this report.
- 9.20 The Highway Authority has conducted a TRICS (Trip Rate Information Computer

System) assessment to ascertain the number of vehicle movements to and from the site based on the proposed C2 Use Class and number of bedrooms. The Assessment concludes that no more than two vehicles are likely to be on site at any given period in a day. In the absence of evidence that suggests otherwise, the number of parking spaces are considered suitable. The submitted car parking policy for how the parking would be managed is considered acceptable. The Highway Authority therefore have no objection to the proposal subject to conditions for parking to be in accordance with the approved plans and a construction management plan for the building operations.

10. CONCLUSION AND RECOMMENDATION

10.1 The proposal is appropriate to its context in accordance with policies SD4 and fulfils a need for extra care type housing in accordance with SD11. The application integrates effectively with its surroundings and is not detrimental to the character of the area. The intensification of movements to and from the site would be during normal day time hours and not dissimilar to that of a residential use. The proposal is considered not of substantial harm in terms of amenity, drainage or highway safety and the recommendation is therefore to Permit.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five 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 permitted shall be carried out in accordance with the following approved documents:
 - Location plan received ref 1256.6 received 22 June 2020
 - Parking plan drawing number 1256.4 received 22 January 2020
 - Proposed plans for Charlton drawing Number 1237.2 C received 17 September 2020
 - Proposed plans for Christie received 12 August 2020
 - Drainage plan drawing number 1256.5 C received 23 March 2021
 - Wye Environmental Products and Services Ltd Reports for Christie received 28th September 2020 Wye Environmental Products and Services Ltd Reports for Charlton received 18th September 2020 and updated 12 October 2020

Children's Home Parking Policy by Streetz Ahead received 9th June 2020

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The materials to be used in the construction of the external walls of the proposed rear extension shall match those used in the existing dwelling

Reason: To ensure that the proposed development is in keeping with the existing dwelling.

4. Prior to occupation as a care home, parking arrangements shall be implemented in accordance with parking layout of drawing number 1256.4 plan and management in accordance with the Children's Home Parking Policy by Streetz Ahead with no parking of vehicles associated with the use granted by this permission on the verges of the A48 at any time.

Reason: In the interests of highway safety.

5. During construction, there shall be no parking of site operatives vehicles or storage of materials within the verge of the A48.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

6. The two dwellings shall be used for solely for the purpose as a care home for children and no other use within Class C2.

Reason: Any other use will require further consideration of the impact on the amenities of local residents and on highway safety.

INFORMATIVES:

1. 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.