

**4 DCSW2004/0389/F - PROPOSED CHANGE OF USE FROM DWELLING HOUSE TO SHARED DWELLING AND CONVERSION OF GARAGE TO ADDITIONAL ACCOMMODATION, BRO-A-BRYN, ALLENSMORE, HEREFORD, HR2 9AR**

**For: Rowden House School per Jamieson Associates,  
30 Eign Gate, Hereford, HR4 OAB**

**Date Received: 4th February 2004**

**Ward: Valletts**

**Grid Ref: 45232, 34376**

**Expiry Date: 31st March 2004**

Local Member: Councillor P. G. Turpin

**1. Site Description and Proposal**

- 1.1 The application property comprises a detached red brick bungalow, that gains access onto the western side of the class II road (B4348) that leads from Locks Garage on the junction of the B4348 road and the A465(T) westward to Kingstone via Winnal and Thrupton. The bungalow has 3 bedrooms on the ground floor and one further within the roof space.
- 1.2 Bro-a-Bryn shares a driveway entrance onto the B4348 road with Rutland House immediately to the north, and Thornbrook further north of Rutland House.
- 1.3 The proposal is for a change of use of the bungalow from a dwellinghouse which is C3 in the Use Classes Order to a C2 use to provide accommodation for five young people with learning difficulties under supervision of a member of staff, the members of staff operating on a rota basis. It is proposed as part of the application to convert the existing integral garage and breakfast room on the eastern/front of the bungalow into additional bedrooms.

**2. Policies**

**2.1 Planning Policy Guidance**

PPG.1	-	General Policy and Principles
PPG.3	-	Housing
PPG.7	-	The Countryside – Environmental Quality and Economic and Social Development
PPS.7 (Draft)	-	Sustainable Development in Rural Areas
PPG.13	-	Transport

**2.2 Hereford and Worcester County Structure Plan**

Policy CTC.9	-	Development Requirements
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**2.3 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy CF.4	-	Residential Homes

- Policy T.3 - Highway Safety Requirements
- Policy T.1A - Environmental Sustainability and Transport

## 2.4 Unitary Development Plan

- Policy S.1 - Sustainable Development
- Policy S.2 - Development Requirements
- Policy DR.2 - Land Use and Activity
- Policy LA.2 - Landscape Character and Areas Least Resilient to Change
- Policy CF.7 - Residential Nursing and Care Homes

## 3. Planning History

- 3.1 SH930585PF Two new dwellings to complement existing development - Refused 23.06.93
- SH931546PF New dwelling – bungalow - Approved 18.05.94 (Subject to Section 106 Agreement)

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

## 5. Representations

- 5.1 In a letter that accompanied the application the applicant's agent makes the following main points:
- Rowden House School and Winslow Court are a school for children and young adults with severe learning difficulties. They are based on a 26 acre campus at Rowden, on the outskirts of Bromyard
  - Bro-a-Bryn is a 4 bedroom bungalow, one of three dwellings served by a common access drive at Winnal, near Allensmore
  - bungalow acquired by Rowden House and Winslow Court, part of the Senad Group
  - occupied as shared dwelling house with five residents and one resident full-time member of staff who will operate on a rota basis
  - will be registered as a house and will have a registered manager
  - will be operated identically to Orchard End (formerly known as Cuillins), Herefordshire Council approved some two years ago
  - purpose is to reintroduce young adults back into the community
  - Orchard End is a single storey dwelling on outskirts of Wellington. Purchased 2 years ago, run successfully as shared dwelling since then
  - main purpose is to integrate residents back into community, participated in many local activities, made use of village amenities and facilities with great success
  - minor alterations proposed and conversion of integral garage into fifth bedroom each with en-suite facilities
  - existing bedroom in roof space will provide a staff bedroom
  - all other facilities shared as a normal family dwelling house.

5.2 Allensmore Parish Council make the following observations:

"We oppose the change of use from a dwelling house to a shared dwelling with conversion of garage to additional accommodation.

We would point out that the residents will be coming from a 26 acre campus at Rowden to a dwelling with a shared access with two other properties on the side of probably the most dangerous stretch of road in the parish, with no verge, limited visibility from the access road and flooding at that entrance during heavy rain. There are three dwellings next door, Thornbrook, Rutland House, and Arnwood, 2 other dwellings and 2 busy livestock farms close by.

Little detail is disclosed of the number of traffic movements per 24 hours which must be quite numerous compared to a private residence with staff, officials and service vehicles.

If required emergency services from Hereford could take quite a time to arrive given the present traffic situation in Hereford.

We would question whether the existing septic tank is adequate for the number of extra people living, working at or visiting the dwelling.

We feel that the situation of the property, village life, facilities and amenities at Allensmore are not as accessible or numerous compared to the situation of the shared dwelling house given as an example at Wellington.

We appreciate the aims of Rowden School but feel this would be better sited on a quiet side road a little more secluded than Bro-a-Bryn.

We would suggest a site visit."

5.3 National Care Standards Commission - response is awaited.

5.4 West Mercia Constabulary have responded as follows:

"Having researched our systems in respect of reported incidents from Rowden House School and Winslow Court, and from Orchard End, I have no reason to make any comments that may reflect unfavourably on the application."

5.5 Seventeen letters of objection have been received one of which was sent on behalf of the adjoining property by Solicitors, in which the following main points are raised:

- close proximity to other dwellings
- access shared with lady living on own and young family
- our security is threatened, particularly for family with young children. Cannot be guaranteed by requisite parties
- visibility restricted to south-west bend 50 metres away at top of bank. Also verge on north-west often overgrown restricting visibility
- very busy road, unlit, fast moving traffic with various protuberances hanging off them
- narrow road, difficult for large vehicles to pass
- time of shift change periods change every 8 hours, minimum of 7 cars will access shared driveway

- no footpath
  - road floods outside access point
  - increase in traffic, service vehicles, visitors, parents, doctors, also assume residents do not have vehicles
  - no amenity, no local community, dispersed properties, no social interaction
  - sports and leisure facilities 6 miles away
  - garage and public house half a mile away, pub restaurant based anyway
  - village hall 2kms away on A465(T)
  - no local bus service/even on this Ross - Hay-on-Wye road
  - emergency services 6kms away, could take over an hour to reach site given problems with bridge
  - overloading of existing sewage system, designed for 4 residents, toilets increasing from three to seven, used by visitors, residents. Increased risk of pollution to stream
  - three carers required according to Government guidelines
  - if of school age, will school take them?
  - petition signed by a cross section of immediate private residences
  - question quality control, supporting letter misleading as to amount of carers required
  - nuisance of lights particularly in winter using driveway
  - change of use forever
  - establishes precedent for other 'open' property situations
  - needs more space for group activities, e.g. gardening, growing own food
  - needs controlled environments, with proper amenities
  - will be extensive build up of rubbish causing health hazard
  - impact on value of property
  - contrary to terms of Covenants of 3 properties (sharing access point)
  - misleading to compare site with Wellington. It is in its own plot, has own private access, off a quiet country lane, in easy reach of village amenities including sports and club facilities
  - Wellington site more accessible to Bromyard HQ, need to pass through Hereford, difficult particularly at peak times
  - not visited us or other neighbours
  - also plan submitted misleading, applicant owns driveway to front of Rutland House
  - Section 106 restriction on Bro-a-Bryn shows it is intended to be a single private dwelling
  - only recently served notice on neighbour and us by applicant, cannot see how application can be reported to April meeting
  - appears service of notice overlooked, question the competence of agents and company involved
  - do not wish to share private driveway
  - shocked Highways officer has not visited the site
  - previous refusals for dwellings on site, refused on highway grounds still relevant
  - if property disposed of, given alterations will not be used for private purposes again, contrary to restrictive covenants
  - actions of company involved have caused much stress, concerns and ill health.
- 5.6 In a letter from local Estate Agent accompanying one of the letters received, it is stated that the privacy of the other two dwellings will be affected and off-putting to prospective purchasers.
- 5.7 In another letter from Solicitors acting on behalf of one of the local residents it is stated that the site plan submitted is incorrect, Bro-a-Bryn owns more land and that as stated

in a copy of the covenant attached, one clause states that the three dwellings shall only be used as single private dwellings.

5.8 In a petition received appended by 65 different signatures the following main points are made:

- one care assistant referred to, in fact Government guidelines indicate three care assistants required for this number of people with severe learning difficulties
- no footpaths
- road/highway access limited
- traffic rotation every 8 hours of three care assistants change over, minimum of 7 cars utilising this entrance
- road floods
- if re-cycling plant at Madley approved, traffic would increase even further
- in Land Title and property details covenants reference made to single private dwelling and not to permit nuisance or annoyance to others
- no amenities, shop/post office half a mile away, no footpaths
- no leisure facilities
- security compromised particularly for families with young children
- social interaction limited given dispersed community
- operating company a venture capital group not able to guarantee adjoining residents or other residents any security as emergency services six miles away in Hereford
- incident at Edwin Ralph (Hereford Times 15.02.04) risk assessment carried out afterwards, feel prevention better than cure for us
- cross section of petitioners, stricter Government control needed for right care, location and environment
- local population small (hence only 60 signatures, of which 98% have signed this petition, all independently self-sufficient with transportation).

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 The current use of the property is as a single dwellinghouse (Class C3). Planning permission is required as following a number of appeal cases and in particular an appeal case – North Devon D.C v The Secretary of State (2003), the proposal for Bro-a-Bryn falls outside the remit of Class C3 given that the carer is not resident on a full time basis. This places the use within Class C2, a class that defines itself as being one for residential accommodation and care, to people in need of care (other than a use within Class C3 (dwelling houses)).

6.2 The main issues relating to the proposal are the suitability of the location and the means of access and the impact that the use would have on the amenity of residents in the locality.

6.3 The means of access is shared by three detached properties. It is stated that the increase in use of the access, particularly at time of shift changes every 8 hours will have an impact on traffic safety given the narrowness of the highway at this point and the limited visibility. However, the Council's Head of Engineering and Transportation has not objected. It is not considered that a refusal can be sustained on these grounds given that the traffic generated by the proposed change of use is essentially

incidental, the residents are not likely, if at all, to be driving, visitors and members of staff being the primary users of the shared access point onto the B4348 road. There will be some disturbance from traffic movement, for residents in the nearby properties at Rutland House and Thornbrook, this will be though on a regular dispersed basis and not in a concentrated fashion.

- 6.4 Policy CF.4 deals with residential houses and states permission is subject to certain criteria. Policy CF.7 contained in the Unitary Development Plan deals with residential nursing and care homes, states that such uses will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of buildings, which is the case in this instance. There is not a locational constraint in either of the criteria set out for new proposals in either Policy CF.4 or UDP Policy CF.7.
- 6.5 This site is not located in close proximity to a large settlement. However, although facilities such as the Post Office and general provisions at Locks Garage are not readily accessible by footpath, they are still within reasonable distance of Bro-a-Bryn. This is often the case for residential homes in rural areas, which tend to be sited out of settlements.
- 6.6 The issue of security has been raised, however without substantive evidence being produced it is not considered that a reason for refusal could be sustained on these grounds. Also West Mercia Constabulary have raised no objection.
- 6.7 The sewerage treatment system at Bro-a-Bryn should it need to be upgraded is a matter that can be dealt within the ambit of the Building Regulations.
- 6.8 The covenant drawn up in respect of Bro-a-Bryn and the other two dwellings and indeed most dwelling houses relates to law that falls outside the remit of Planning Law. How or indeed whom can invoke such a covenant is not a matter that falls within the remit of this proposal. The legal agreement (Section 106) relating to Bro-a-Bryn was drawn up by South Herefordshire District Council at the time in order to ensure that no further dwellings or mobile homes were erected on the site on which Bro-a-Bryn stands. This followed refusal for two dwellings on the same site.
- 6.9 The issue of quality control is one that is a matter for regulatory authorities such as the National Care Standards Commission.

There are considered to be no compelling reasons for withholding planning permission for this proposal.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. A06 (Development in accordance with approved plans )**

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. The occupation of the property shall be limited to a maximum of 5 adults

**Reason:** In order to define the terms under which this permission is granted.

- 4. At all times when the residents are present in the property a minimum of one care staff shall also be present.

**Reason:** In order to ensure that continual residential care is available to children.

**Informative(s):**

- 1. N15 - Reason(s) for the Grant of planning permission

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.