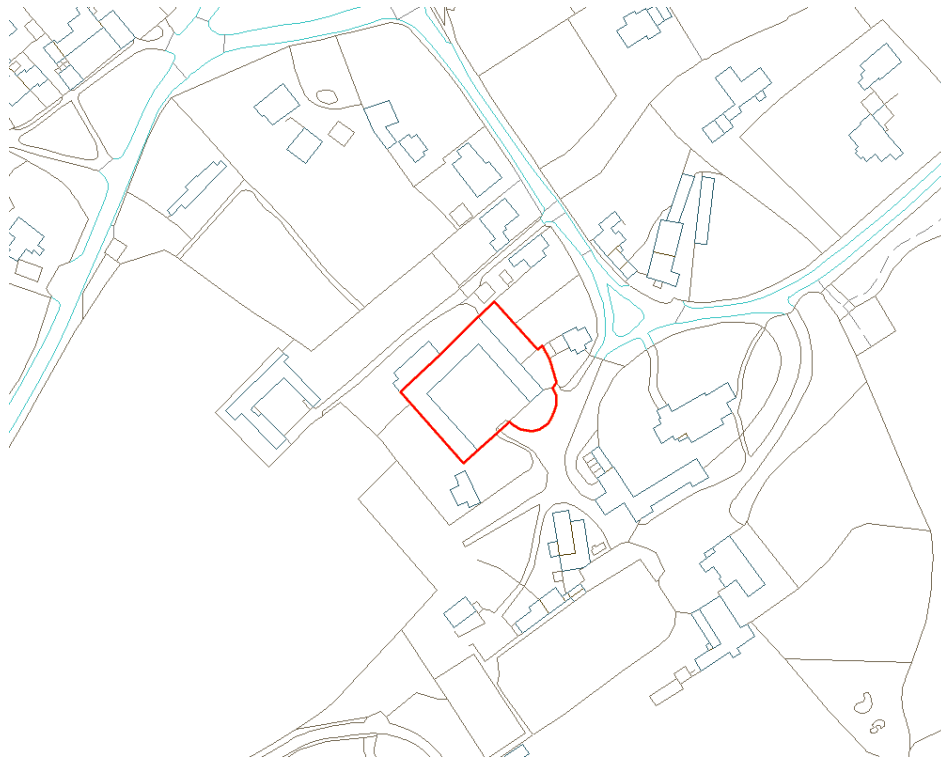


**Reference:** 11/00986/FUL  
**Date Submitted:** 23.01.12  
**Applicant:** Mrs A Cowley  
**Location:** Hunters Lodge 12 Church Lane, Old Dalby  
**Proposal:** Extension and alterations to existing care home to improve facilities.



**Introduction:-**

The application seeks full planning permission for the extension of an existing residential care home facility situated within the village envelope and designated Conservation Area for Old Dalby. The Care home is situated off an unadopted road accessed from Church Lane which serves 3 other residential properties. The site has been operating as a care facility since early 80's with a restriction to no more than 36 residents at any one time. The care home currently has 22 single rooms with 7 shared rooms. The proposal will allow each resident to have their own room with en-suite facilities and will give the care home greater flexibility to remain viable whilst complying with current requirements for care facilities.

**It is considered that the main issues for relating to this proposal are:-**

- **Impact upon the character of the area.**
- **Impact upon Highway safety.**
- **Impact upon residential amenities.**

The application is presented to Committee due to the number of representations received.

### **Relevant History:-**

82/00311/FUL – Planning permission was granted for the change of use of the stable block to care home. A condition (no. 8) was imposed to restrict the number of patients to 25.

89/00600/FUL – Planning permission was refused for an amendment to condition 8 to increase the number of patients from 25 to 36 on grounds of impact upon highway safety and impact upon neighbouring residents. The increase to 36 was granted at appeal when the Inspector concluded that the increase would not have a detrimental impact upon the highways or residents.

90/00138/FUL – Planning permission was refused for continual operation as a care home without compliance with condition 8 of planning approval 82/00311/FUL. An appeal was dismissed. The Inspector considered it necessary to have a restriction on the number of persons residing at the care home in line with the numbers permitted on appeal.

The later application was refused prior to not knowing the outcome of the appeal (89/00600/FUL). The inspector on considering the later appeal acknowledged that the condition had been amended to 36 and therefore stated that the condition should remain in the interest of highway safety.

### **Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- or
- specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- promoting sustainable transport
- Supporting a prosperous rural economy
- conserve ‘heritage assets’ in a manner appropriate to their significance

**On Specific issues relevant to this application it advises:**

#### **Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

## Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas.

## Historic Environment:

- Great weight should be given to an assets conservation,. The more important the asset, the greater the protection should be.
- Where harm is less than 'substantial', it should be weighed against the public benefits of the proposal.

## Regional Spatial Strategy

**Policy 1** of the Regional Plan seeks to ensure that development within the East Midlands is sustainable. It sets out Regional Core Objectives which should be met through Local Development Frameworks and planning applications.

**Policy 2** – Promoting Better Design – states that the layout, design and construction of new development should be continuously improved.

**Policy 3** – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

**Policy 48 – Regional Car Parking Standards** – states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13.

## Melton Local Plan (Saved Policies)

**Policies OS1 and BE1** allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

**The Melton LDF Core Strategy (Publication) Development Plan document** : seeks to protect the countryside and limits development to small scale for employment and leisure purposes. The Core Strategy supports the re-use of rural buildings for small-scale business activities compatible with countryside locations. The village of Old Dalby is considered to be a sustainable location due to the level of facilities available.

## Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<b>Highway Authority</b> – No objections  Given that this road is private and does not form part of the publicly maintained highway, it would be difficult to justify a reason for refusal on the	There is a car park on site which is accessed from a private drive off Church Lane. Concerns have been expressed by residents in regards to the increase in traffic and inconsiderate parking along the private driveway.

<p>grounds of highway safety.</p> <p>Given the nature of the use it is consider that it would be unlikely that the occupants of the additional bedrooms would own cars and park them on site. However the proposal could lead to a few more visitors arriving each week, although as visitors are likely to come and go at differing times, it may be that additional parking is not necessarily required to cater for this. However the proposal could lead to additional staffing requirements at the premises, and this could lead to an increased demand for car parking</p> <p>The existing car parking facility could be better utilised if the car parking bays were marked out.</p>	<p>The Highways Authority is not objecting to the proposal which will increase the number of residents by 1. A condition on the original application was amended in 1990 which restricted the number of residents to 36 the reason being in the interest of highway safety and residential amenity. Fourteen of the residents currently share a room. The proposal will create 8 new bedrooms which will allow each resident to have their own room, creating a surplus for one additional resident. Larger rooms are required due to most of the residents requiring a high level of care and the need to have specialised lifting equipment in the rooms. The highways authority have not objected to the proposal and has suggested that a condition be imposed requiring that the car park be marked out to highway standards.</p> <p><b>It is consider that a refusal based upon highway safety cannot be justified in this instance.</b></p>
<p><b>Old Dalby Parish Council – Object</b></p> <p>Councillors have expressed strong objections to the application.</p> <p>The close proximity of the new build to neighbouring properties is unacceptable - one boundary will actually overhang a neighbour's property. (n.b. additional comments are expected in relation to amended plans which will be reported to the Committee verbally)</p>	<p>The proposal seeks to extend the building at two storey height to the northeast corner and southeast to provide an additional 8 bedrooms to the exiting 29. The Northeast corner extension will replace the existing conservatory and will project out along the boundary to neighbouring farm land to the northwest and finish on the boundary of no. 8 Church Lane. The northeast corner extension will have a 300mm set back from the northwest boundary and will sit within the boundary to the site. The existing northwest elevation currently sits on the boundary with the guttering overhanging the neighbouring farmland and has outward opening windows along the full length of the elevation. The proposed extension will not have any greater impact than that already present on site.</p> <p>An amended plan has been submitted and seeks to step the northeast extension away from the rear boundary of No. 8 Church Lane by 750mm following concerns in regards to massing on the boundary. A tree is to be removed and it has been suggested that ivy will be grown on this elevation to reduce visual impact from the blank gable. No windows are proposed on this elevation. The northeast corner extension would have a height of 8.5 metres to eaves with the roof hipped away to the existing ridge height of approximately. 11.2 metres, spanning over a length of 13 metres. There is a change in land level from that on the application site to that as seen to the rear of No. 8 with an estimated drop of approximately 1 metre, the dwelling sitting on the lower land level. No 8 Church Lane sits further to the north than the care home and the rear garden contains a number of outbuilding structures along its rear boundary, including the garage which sits around the corner</p>

<p>The proposed build is overbearing especially in this important open area of the village and of course it is in a conservation area.</p> <p>Existing screening will be removed and there will be no opportunity to replace it.</p> <p>The increase in rooms, whilst possibly not</p>	<p>of the application site. The separation distance, measured from the corner of the first floor of the dwelling and proposed extension measures approximately 14 metres.</p> <p><b>As there are no windows proposed and the proposed extension is off set and therefore no overlooking is created. Given that the extension removes windows at first floor level on the care home it could be perceived as improving the situation in privacy terms. Issues regarding the massing on the boundary have been considered to have been overcome by stepping the extension away from the boundary. Matters relating to overhanging of guttering are not planning considerations as it relates to private interests and therefore remain civil matters.</b></p> <p>With regards to the southeast end extension this will continue the line of the building beyond No. 10 Church Lane, projecting near to The Hall, a Grade II* listed building. The separation distance from the corner of the proposed extension and the No. 10 measures at 19 metres which is considered to be acceptable. The Hall will still be 35 metres away which again is acceptable and exceeds current separation distances.</p> <p><b>The proposed arrangement is considered not to detract from that already present on the site. The setting of the listed building and the Conservation Area is not considered to be affected and the proposal is considered not to reduce the residential amenities as currently enjoyed to a detrimental level.</b></p> <p>The proposed extension to the southeast will extend the building by a further 10.5 metres at two storey height, following on from the existing height. No set back or step down has been proposed in order to streamline the building due to being highly visible from the front of the building. This arrangement will be less incongruous within the streetscene and is considered not to have a detrimental impact upon the Conservation Area given that the design replicates features present within the existing buildings. The Conservation Officer has no objection to the proposal.</p> <p>The development will necessitate the need to remove a conifer tree and two ornamental cherry trees along with holly bushes closest to the driveway. None of the trees merit Tree Preservation Orders and the applicant has offered to plant more trees within the site. A condition can be imposed requiring a landscaping scheme to ensure a satisfactory appearance of the area.</p> <p>There is a requirement for modern day care</p>
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<p>increasing staff vehicles will most certainly increase visitor's vehicles and parking is already a problem at the site.</p>	<p>facilities to provide single occupancy rooms. Whilst there are twenty two single rooms provided there are still seven which are shared by two people the proposal will allow each resident to have their own room with bathroom facilities. The Highways Authority has not objected to the proposal considering that there will be no material increase in traffic. It is suggested that the parking area be marked out to maximise the use of the car parking facility.</p>
<p><b>Conservation Officer:</b> No objection.</p> <p>The building was the former stable block to The Hall and as such retains a historical link to it. It is also a designated heritage asset of significance by virtue of its Conservation Area location.</p> <p>Its subsequent conversion to a residential home has been achieved relatively sensitively and as such its former equestrian use remains evident in the appearance of the building together with its layout around an internal courtyard, albeit that there have been some additions within that area.</p>	<p>The design of the proposed extensions matches the current appearance and character of the building and hence continues to reflect its former use and historic connections. Whilst the Conservation Officer considers that it is unfortunate that the original symmetry of the building will be further disrupted by the proposal which alters the footprint. Its continual use as a care facility outweighs any potential harm. The design is considered acceptable and will not have a detrimental impact upon the Conservation Area or the nearby listed buildings and therefore the proposal is considered to comply with the objectives of OS1, BE1 and the NPPF</p>
<p><b>Ecology:</b></p> <p>The building is directly adjacent to mature gardens, and trees which link to Hall Plantation to the south, which all provide good bat foraging habitats. There is therefore a strong possibility that bats are roosting in the roofspace of the existing property and could be disturbed by the proposed works. It is recommended that a survey be conducted.</p>	<p>The applicant has been notified. The advice states that a survey should involve an external and internal inspection of the building by an appropriately licensed bat worker. Depending on the results of this, an emergence survey may also be required. However emergence surveys can only be carried out between May and mid September. It is proposed that a condition be imposed requesting a bat survey to be carried out during the appropriate season prior to commencement.</p>
<p><b>English Heritage:</b> No comments</p> <p>The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.</p>	<p>Noted. No objections have been raised by the Conservation Officer.</p>

**Representations:**

A site notice was posted at the site entrance along with a notice published in the local press. The nearby neighbouring properties were consulted and as a result 15 letters of representation were received from 9 separate households:

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Character and appearance of area:</b></p> <ul style="list-style-type: none"> <li>• Not in keeping with the streetscene</li> <li>• Visually intrusive</li> <li>• Impact upon the Conservation Area</li> <li>• Would have an impact upon neighbouring Listed Buildings</li> </ul>	<p>Hunters Lodge sits within a shared complex off Church Lane. Access to the site is via a private drive of which they have a right of way. Hunters Lodge is not easily viewed from Church Lane due to sitting behind existing properties fronting Church Lane however there are listed buildings within the vicinity and the application site was formerly the stables to The Hall. Two extensions are proposed to assist with the running of the care home and the need to comply with current care home requirements. Existing features have been replicated within the design and limited views will</p>

<ul style="list-style-type: none"> <li>• Loss of trees, the application says no loss of trees which is untrue.</li> <li>• As a conservation village consent should be sort for the removal of trees</li> </ul>	<p>be afforded from gaps within the buildings along Church Lane.</p> <p>Whilst some trees are to be removed to facilitate the development it is considered that they are not worthy of protection however replacements should be requested in the form of a landscaping condition.</p> <p><b>It is considered that the proposal will not have a detrimental impact upon the character of the Conservation Area and comply with the local plan polices OS1, BE1 and the NPPF which seeks to ensure development is sensitive to the historic environment.</b></p>
<p><b>Impact upon Highway Safety:</b></p> <ul style="list-style-type: none"> <li>• Increase in traffic visiting the site</li> <li>• Parking is an issue at the home</li> <li>• People park in the driveway which is dangerous</li> <li>• Insufficient parking facilities –causes overflow on to the private drive</li> <li>• The driveway is shared and inconsiderate parking is an issue</li> <li>• Existing highway cannot cope with more traffic - its already a problem when the shifts change</li> <li>• Evidence of parking outside the site and the impact of large service vehicles</li> <li>• Increase in residents will increase parking requirements. There is potential to sub divide the larger rooms to increase capacity.</li> <li>• The increase in rooms will exacerbate the existing situation, attracting large number of cars which park outside the site and large delivery vehicles which harm the residential area.</li> </ul>	<p>The Highways Authority has not objected to the proposal but has advised that the existing parking would be better utilised if it was to be properly marked out. It is considered that there will not be a material increase in traffic generated as the extension will enable the occupants of the twin rooms to have their own rooms. The care facility can operate with 36 residents and are currently below this number. The addition of eight new bedrooms will only increase the number by one resident.</p> <p>Concerns have been raised that if approved the twin rooms could still be used by two people. The applicant has provided a justification statement to support the proposal. The care needs of the residents have changed dramatically over the past twenty six years. With residents being much frailer and in need of higher levels of support. Many need two staff to assist them, and equipment such as hospital type beds and hoists to help people move safely. These pieces of equipment require more space, and this is particularly limited in the shared rooms. The proposal would allow thirty seven residents to have a single room. This would be an increase by one to that permissible by the appeal decision however there has been a change in planning policy and highway standards since the 1990's and the highways authority are not objecting.</p> <p>It is considered that given that the traffic movements are spread out over the day for the whole of the week the increase will not result in an unacceptable level of activity.</p>
<p><b>Impact upon Residential Amenity:</b></p> <ul style="list-style-type: none"> <li>• Northeast extension would be overbearing and would create an oppressive environment due to massing, scale and height.</li> <li>• Loss of privacy</li> </ul>	<p>Amended plans have been submitted and the neighbours have been consulted however their objection remains unchanged. The extension has been stepped away from the boundary and complies with current separation standards.</p> <p>At present there are windows facing no. 8 which will be remove to allow for the extension. No</p>

<ul style="list-style-type: none"> <li>• Overlooking</li>   <li>• Loss of sunlight to green houses</li>   <li>• Guttering will overhang garden and garage, the amended plans do not address that the north wall still comes up to the boundary.</li>   <li>• Devalue the property</li>   <li>• Loss of privacy to 10 Church Lane; the extension will include windows overlooking the living room of No. 10 Church Lane, within 15 metres, which will cause a severe loss of privacy to those living at the property. Given the distance in levels between the Lodge site and 10 Church Lane, the impact of the development in respect of loss of privacy will be greater than between buildings at the same ground level.</li> </ul>	<p>windows are proposed and it can be conditioned to remain as a blank gable end. There are currently windows overlooking No. 10 and it is considered that the relationship will not be worsened by this proposal.</p> <p>The greenhouses current sit away from the boundary in between the shed and dwelling. It may at worse be affected by midday winter sun when it is at low levels. It is considered that there will be no unacceptable loss of light to the residents of any of the nearby dwellings.</p> <p>This is a civil matter however the extension has been stepped in by 300mm to allow the building to be constructed within the boundary.</p> <p>Matters relating to devaluation of properties are not planning matters.</p> <p>The proposed extension includes the addition of two first floor windows on the north east elevation. There are already windows along this elevation which overlook the adjoining property, the additional windows will be further to the north east and at such an angle that it is not considered that the existing relationship would be worsened. Whilst it is established practice to expect a directly facing window to window distance separation of 23m, each application needs to be determined on its individual circumstances. It is considered in this instance, taking into account the existing relationship of overlooking windows and the acute angle that the new windows would view the adjacent property, that the proposed extension to the north east would not have a greater impact on the occupants of this property.</p> <p><b>It is considered that the proposal would not have a unduly detrimental impact on the occupants of adjoining properties.</b></p>
<p><b>Other Matters:</b></p> <ul style="list-style-type: none"> <li>• In accuracy of information submitted – site boundary wrong, site area calculations contradicted on application form and Design and Access statement</li>   <li>• Concerns relating to fire evacuation.</li>   <li>• Restricts options to have solar panels installed on garage roof as it will block sun light.</li>   <li>• Concerns of building waste being left on</li> </ul>	<p>The application site boundary has had to be amended as it did include an area which was not part of the application. Further consultations have taken place with the amendments that were submitted.</p> <p>Matters relating to fire will be assessed through the Building Control process.</p> <p>No proposals have been submitted. Each application is to be assessed on its own merits.</p> <p>Not a planning consideration however planning</p>



<p>the farm land as the building is built on the boundary</p> <ul style="list-style-type: none"> <li>• Danger to free running pets and livestock within the private drive</li> <li>• Damage to property, right of access for maintenance or construction</li> <li>• Overhead power lines will need to be removed</li> </ul>	<p>permission does not give a right to other land owner's property. Consent will be required from the land owner.</p> <p>Noted.</p> <p>This is a private legal matter, however, approval of planning permission does not give a right to other land owners property.</p> <p>A separate consent will be required if this is the case from the relevant authorising body.</p>
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**Other Material Considerations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Design:</b>	The proposal is considered to be respectful of its surroundings and has incorporated features that exist on the care home. The materials will match existing and a condition can be imposed requesting samples. The design is considered to comply with the objectives of OS1 and BE1
<b>Sustainable Development:</b>  Sustainable development is central to the NPPF. The village of Old Dalby has been identified as a location of odest sustainability in tems of facilities, which can support infill development through the formulation of the LDF where the presumption for development is acceptable subject to satisfy other policies contained within the development plan relating to design, scale, massing and impact upon residential amenities and the character of the area. The NPPF seeks to ensure that the planning system should play an active role in guiding development to sustainable locations.	The application site is located within the village of old Dalby which is a sustainable location appropriate to sustain modest, infill, development. The location is considered to be sustainable and accessible by public transport.
<b>Compliance (or otherwise) with Planning Policy</b>	As stated above, the development is considered to accord with the applicable Local Plan polices. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.

**Conclusion**

The proposal seeks planning permission to extend existing facilities to meet the demand for residential care but with a marginal increase to numbers restricted by condition. The design is considered acceptable and to not have a detrimental impact upon any neighbouring residents. The access and parking facilities are considered acceptable due to there not being a material increase in traffic generation. The proposal seeks to increase the existing numbers from 36 to 37 but to have an option of providing twin accommodation for married couples if requested with a maximum of 5 twin rooms being made available. Due to the constraints of the accommodation it is not considered that there could be a high number of residents on site at any one time as they are governed by separate legislation as care providers. For this reason it is considered not necessary to restrict the number of residents. The previous reasons for doing so was in the interest of highway safety and the impact an increase in traffic movements would have on residents. There has been a substantial shift in highway guidance with a more relaxed approach. The driveway is private and not in the control of the Highways authority and its use cannot be restricted by condition. Accordingly the application is recommended for approval subject to conditions.

**RECOMMENDATION: Permit subject to the following conditions :-**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried in strict accordance with the approved plans drawing nos. 1184 P04b and 1184 P06b unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall start on site until a landscape scheme to the front of the site, along the shared driveway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. The car parking facilities shall be marked out in accordance with a scheme to be approved by the Local Planning Authority prior to commencement of the development. The approved parking shall be made available at all times and shall not be obstructed.
7. During the course of the proposed development a strict watching brief shall be maintained for protected species. In the event of any protected species being discovered work must cease temporarily whilst expert advice is sought.
8. No windows are to be inserted into the eastern elevation of the proposed northeast extension.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
6. In the interest of Highway safety.
7. To preserve any protected species
8. In the interest of residential amenity preventing overlooking.

Officer to contact: **Mrs Denise Knipe**

**23<sup>rd</sup> March 2012**