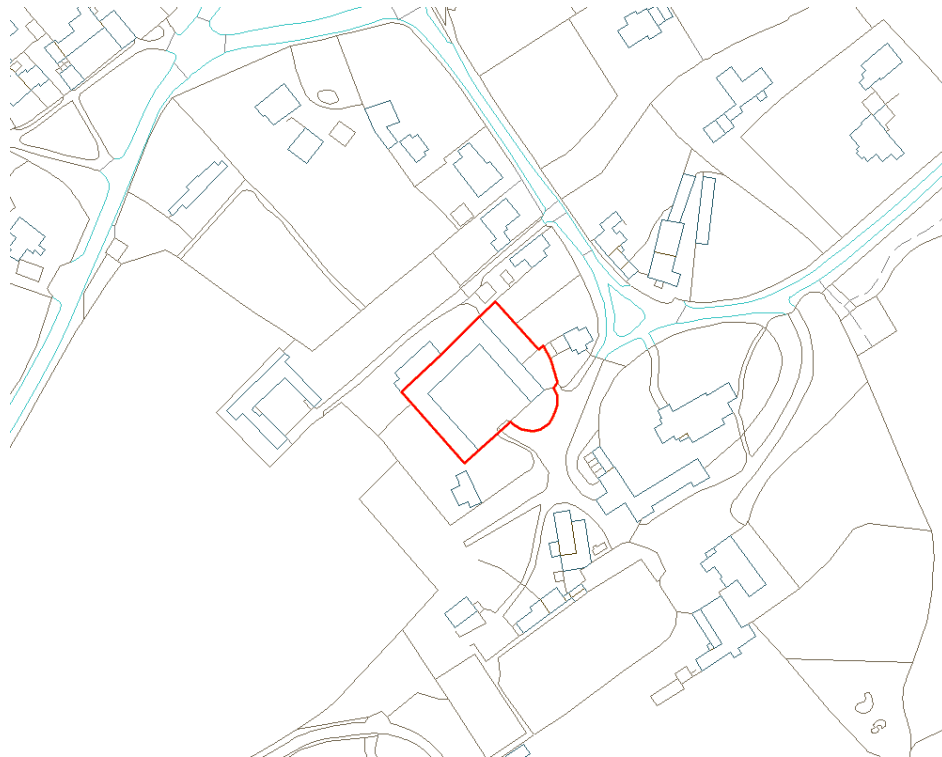


Reference: 12/00574/FUL
Date Submitted: 14.08.12
Applicant: Mrs A Cowley
Location: Hunters Lodge 12 Church Lane, Old Dalby
Proposal: Extension and alterations to existing care home.



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.

11/00986/FUL – Planning permission was refused for a side two storey extension and a two storey extension to the northwest corner due to having an unacceptable impact upon residential amenities to occupiers of no. 8 and 10 Chapel Lane and it was considered to have detrimental impact upon the Conservation Area.

Planning Policies:-

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 support and help regenerate the Boroughs rural economy. Through allowing small-scale expansion or intensification of businesses in the countryside, which are not detrimental to their rural location.

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.

The National Planning Policy Framework was published 27th 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.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver business and industrial units,
- Supporting a prosperous rural economy
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Effective use of brownfield land
- Conserve ‘heritage assets’ in a manner appropriate to their significance
- Promoting sustainable transport

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should do “everything it can” to encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth
- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system

Prosperous Rural Economy

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

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.

Require Good Design

- Not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objections</p> <p>This latest application is a reduced scheme and less bedrooms than the previous scheme, however it does not include the formal laying out of the existing car park, which if done would hopefully maximise the car parking provision within the site and help allay the fears of the local residents, who have expressed concerns about parking overspilling from the site on to the private road.</p> <p>As the private road serving the site is not part of the public highway it is not consider that the Highways Authority could insist on the formal marking out of the car park.</p>	<p>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> <p>The Highways Authority is not objecting to the revised proposal which has reduced the number of bedrooms from that originally sought in planning application 11/00986/FUL. The scheme involves alterations to the existing layout which if approved will allow for 12 beds on the lower ground floor with a 27 beds available on the upper floor. This increases the overall provisions by 3 beds. The previous application (11/00986/FUL) was not refused on the basis of highway safety or inadequate parking.</p> <p>The Highways Authority have not objected to the proposal however in order to protect existing residential amenities from parking problems in the future it has been suggested that a condition be imposed requiring that the car park be marked out to highway standards.</p> <p>It is considered that a refusal based upon highway safety cannot be justified in this instance.</p>
<p>Old Dalby Parish Council – Object</p> <p>The proposed extension would result in a solid blank brick wall which would be over bearing for near neighbours and the surrounding rural area.</p>	<p>The proposal seeks to extend the building at two storey height to the northeast corner only (previously it sought to extend on the southeast as well). The extension will remove the existing conservatory and will allow for alterations to the internal layout to make better use of the space.</p> <p>The extension 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 700mm (previously 300mm) set back from the northwest boundary and will sit within the boundary to the</p>

<p>There is no opportunity for screening and trees are being removed in a conservation area.</p>	<p>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>The revised proposal seeks to extend the lower ground floor, projecting from the external wall to the rear boundary of no. 8 by 7.9 metres leaving a separation distance from the boundary of approximately 600mm. At first floor the extension has been set back so that the projection is only approximately 4.3 metres giving a set back to the boundary of no. 8 of approximately 2.9 metres. The width of the extension has also been reduced and is proposed at approximately 9.5 metres. The recent refusal was due to the two storey extension being only 750mm away from the boundary having a span of 13 metres, which was considered to have a detrimental impact upon the neighbouring properties.</p> <p>It is considered that the amended proposal has addressed the previous objection through a reduction in footprint and the setting back of the first floor. As there are no windows proposed and the proposed extension is off set and therefore no overlooking is created.</p> <p>There will be removal of two ornamental trees in the grounds of the care home. The trees are not considered worthy of Tree Preservation Orders (TPO) and their removal could not be resisted unless a TPO is issued. Screening of the development is not considered necessary. There will still remain a great number of trees on the site.</p>
<p>Conservation Officer: No objection.</p> <p>This building was the former stable block The Hall and as such retains a historical link to it. It is also a designated heritage asset of significance by virtue of that fact as well as its CA 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>It is noted that following the previous refusal of Application 11/00986/FUL that the proposal to elongate the NE range has now been removed and the design of the extension to the north east</p>	<p>The extension removes the conservatory and makes better use of the site to optimise the facilities on offer. The design matches the current appearance and character of the building and is considered to continue to reflect its former use and historic connections.</p> <p>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>corner has been modified to lessen the impact on the residential amenity of No 8 Church Lane.</p> <p>Therefore the applicant has clearly made efforts to overcome the previous reasons for refusal.</p> <p>That said, whilst the design of the proposed extension matches the current appearance and character of the building to an extent and hence continues to reflect its former use and historic connections, it is unfortunate that the original symmetry of the building will be further disrupted by the addition through the new build to the side, thus altering its footprint.</p> <p>However 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.</p>	
<p>Ecology:</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>

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:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the Character and appearance of Conservation area:</p> <ul style="list-style-type: none"> • Impact upon the Conservation Area • Would have an impact upon neighbouring Listed Buildings • Harmful to the architectural character of the building • Detrimental visual impact upon the character and setting of buildings on church Lane, including the church and the hall • Amended plans still do not overcome previous objections on impact upon the character of the area 	<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. The proposed extension will 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 be afforded from gaps within the buildings along Church Lane.</p> <p>The proposal has been amended, removing the extension to the southeast wing. This is considered to remove the former ground for refusal based upon the impact upon the Conservation Area.</p> <p>Whilst some trees are to be removed to facilitate</p>

<ul style="list-style-type: none"> • Loss of trees will impact upon the area • As a conservation village consent should be sort for the removal of trees 	<p>the development it is considered that they are not worthy of protection however replacements could be requested in the form of a landscaping condition.</p> <p>It is considered that the proposal will not have a detrimental impact upon the character of the Conservation Area. The benefits derived from the proposal to support the long term running of the care home is considered to outweigh what little harm (glimpses between buildings) the proposal may have. Therefore the proposal is considered to comply with the local plan policies OS1, BE1 and the NPPF which seeks to ensure development is sensitive to the historic environment and supports economic growth.</p>
<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> • Increase in traffic visiting the site – staff and visitors • Parking is an issue at the home • People park in the driveway which is dangerous • Insufficient parking facilities –causes overflow on to the private drive • The driveway is shared and inconsiderate parking is an issue • Existing highway cannot cope with more traffic - its already a problem when the shifts change • Increase in residents and staff will increase parking requirements. • 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. 	<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 by the proposal and a refusal on highways cannot be substantiated. It is proposed to alter the configuration of the internal layout and increase the lower ground floor from 8 rooms; 8 beds to 12 rooms with 12 beds. The upper floor will alter the configuration form 21 rooms with 28 beds to 24 rooms with 27 beds. This only increases the number of beds by three.</p> <p>The justification for the proposal is the same as that given on application 11/00986/FUL. 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 could see numbers increasing to 39 and this would be an increase of 3 residents 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. The previous refusal did not include highways as a reason for the refusal and it is considered that a highway refusal could not be substantiated with this amended proposal which has been reduced scale.</p>
<p>Impact upon Residential Amenity:</p> <ul style="list-style-type: none"> • Northeast extension would be 	<p>The revised proposal has increased the step back distance from the boundary to Nos 8 and 10 and propose a greater set back to the upper floor,</p>

<p>overbearing and would create an oppressive environment due to massing, scale and height.</p> <ul style="list-style-type: none"> • Loss of outlook for occupiers of no. 8 and 10 due to changes in the land levels • Create an overbearing and over dominant environment to no. 8 Chapel Lane by virtue of scale and massing on the boundary and sitting on higher land. • It will not meet the council recommend 14 metres separation distances from a window to blank gable arrangement • The plans fail to take into account the extension to no. 8 Chapel Lane <ul style="list-style-type: none"> • Overlooking of garden of no. 10 • The side windows will directly overlook no. 10 and will be an invasion of privacy 	<p>increasing the separation distance to that previously refused.</p> <p>The application site sits in an elevated position due to the increase in land by approximately a metre. At present there are windows facing no. 8 which will be remove to allow for the extension. No windows are proposed in the end elevation and it can be conditioned to remain blank. The separation distances from the proposed extension at first floor to first floor of No. 8 which contains a bedroom window will be approximatley 17 metres. At ground floor this is reduced to approximatley 14 metres. The occupier of No. 8 contests the separation distances given that his property has been extended in the past and is not shown on the ordnance survey maps. However at present the property is overlooked by windows on ground and first floor and the proposal will remove this overlooking. In regards to scale and mass creating an oppressive environment it is considered that the separation distance is acceptable. The distances applied are for guidance only and not set in policy. Furthermore the two buildings are off set. It is considered that the proposal will not cause a detrimental loss of residential amenities</p> <p>There are currently windows overlooking No. 10 with an additional window proposed in ground and first floor east elevation. It is considered that the relationship will not be worsened by this proposal. The ‘new’ first floor window will not directly face into No. 10 and the ground floor will be obscured by the existing boundary.</p> <p>It is considered that the proposal would not have an unduly detrimental impact on the occupants of adjoining properties due to the increased set back from the boundaries. The previous ground for refusal based upon the impact of both no. 8 and no. 10 Chapel Lane has been considered to be overcome.</p>
<p>Other Matters:</p> <ul style="list-style-type: none"> • The site plan in the Design and Access Statement includes land belonging to no. 14 Church Lane • Loss of amenity space for the residents of the care home • Too much development happening in the village causing a loss of green open space. • What prevents them putting in windows on the end elevation at a later date. • Overhead power lines will need to be 	<p>The site plan supporting the application has correctly identified land and this meets the national validation requirements. The extension will occupy the area previously occupied by the conservatory. The amenity space is not considered to be unduly reduced.</p> <p>Each application is considered on its own merits.</p> <p>A condition can be imposed to prevent the addition of windows in the northeast elevation.</p> <p>A separate consent will be required if this is the case from the relevant authorising body</p>

<p>removed</p> <ul style="list-style-type: none"> Devalue the property 	Matters relating to devaluation of properties are not planning matters.
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Other Material Considerations:

Consideration	Assessment of Head of Regulatory Services
Design:	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
Sustainable Development: Sustainable development is central to the NPPF. The village of Old Dalby has been identified as a location of modest sustainability in terms 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.
Compliance (or otherwise) with Planning Policy	As stated above, the development is considered to accord with the applicable Local Plan policies. 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 an 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 bed space from 36 to 39. Due to the constraints of the accommodation it is not considered that there could be a higher 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 P(2)04 and 1184 P(2) 05 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

3rd October 2012