

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th June 2022

Application No:	SMD/2021/0337	
Location	Tean Surgery, Old Road, Upper Tean, ST10 4EG	
Proposal	Addition of first floor level to rear section of building to provide additional office and staff facility to new first floor area and minor internal alterations to existing ground floor at existing medical practice	
Applicant	Dr V C Tiguti and Partners	
Agent	Mr John Payne	
Parish/ward	Checkley / Checkley	Date registered 1 st July 2021
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full – Minor and is referred to Committee at the request of Cllr Wilkinson (Ward Member) to consider in particular the impact on the Upper Tean Conservation Area.

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The existing building is single storey and takes the form of a c.1960's or later 20th C former bungalow that has been adapted and extended. It is built in red brick with concrete tile roof. The location on Old Road is gently rising to the north / north east. The southerly elevations of the building therefore appear slightly elevated whereas the northerly side is about on a level with the road. There is a car park with spaces for 11 vehicles on the northerly side accessed off Old Road.
- 2.2 Adjacent to the south, set back and set down relative to the surgery, is a detached two storey brick and clay tile dwelling of likely c.1950 date (22 Old Road).
- 2.3 Opposite the surgery on the west side of Old Road are numbers 17 and 19 known respectively as Brooklands and Schaanwald which together are Grade II Listed. These are two storey brick and clay tile dwellings dated to mid 18thC with extensive and similarly styled late 19thC additions.

- 2.4 To the east side (rear) of the surgery is the garden of Rose Cottage which is built back-to-back with numbers 12 and 14 New Road.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 As first submitted the proposal involved a substantial and prominent first floor addition across much of the entire existing ground floor layout. Following advice from the LPA including the (then) Conservation Officer, the design has been modified and reduced so that it now involves a first floor addition along just the rear (easterly half) of the existing building. In order to reduce the overall height the new eaves height, along the rear (east) elevation, would be set at c.5.2m and is therefore raised by c. 2.2m from the existing single storey c.3.0m eaves height.

4. RELEVANT PLANNING HISTORY

- 4.1 None on recent record.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 – Promoting healthy and safe communities; 9 – promoting Sustainable Transport; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

- 6.1 The last consultation expiry date was 30th December 2021 (neighbour notifications). Site notice expiry date was 5th August 2021. Press notice expiry date was 11th August 2021
- 6.2 Representations have been received from 3 individuals / households all raising objections:
[commenting in response to the scheme as first submitted]

From the occupier of Schaanwald:

- the single span roof [first scheme] over the existing twin roof would dominate neighbouring buildings particularly to the front and rear
- unacceptable in a Conservation Area
- owing to the difference in levels the raised roof line [first scheme] when viewed from the buildings opposite is much higher than the 8 metres indicated on the plans
- the listed buildings opposite would be dominated by this development
- reduction in natural daylight, particularly in the ground floor areas, of Schaanwald opposite and probably the terraced houses to the rear
- Application submissions fail to show the close proximity of the buildings opposite
- new roof windows facing Old Road would allow anyone to look directly into the bedrooms of Schaanwald opposite which is unacceptable
- the submitted planning statement says there are 4 patient parking spaces: 2 for disabled only and a further 2. This is incorrect as there is only 1 for disabled use (three in total)
- many patients park in Old Road which is very narrow and “usually on the pavement”
- the proposed increase in working space within the building would cause an even greater parking problem and the existing staff car park is full to capacity even without the extension
- the public car park referred to in the submitted planning statement is approx. 400metres further down Old Road not the 100metres stated [in fact the entrances are within 100m (LPA)]
- most patients choose to park in the road and on the pavement causing congestion and much inconvenience to residents – this can only get worse
- the surgery at Old Road has another surgery at Blythe Bridge under the same management which is said to be under-utilised and where there is a large car park not close to any other domestic properties – a viable alternative therefore to “gross over development at the Old Road surgery

From the occupier of 14 New Road

- there is ample parking for patients on Old Road car park, and the surgery has an ample largely unused carpark within its own grounds. The ground floor could be easily expanded without affecting nearby homeowners

- Extending the height of a building so close to houses would destroy privacy in everyone's gardens as the surgery is extremely close to nearby houses, and further darken our personal space and negatively affect privacy
- Would also reduce house price values
- "huge conifers" between the surgery car park and the garden of 14 New Road already overshadow and are too high though at the same time would serve to shield from the proposed extension

From the owner and resident of Rose Cottage:

- Concerned not on the consultation list for the application and no letter received
- probably the household most affected by this proposal
- design not suited to the Conservation Area
- traffic and parking impacts for Old Road
- as the garden to Rose Cottage is only 1 metre away from the rear elevation of the surgery it would be placed in shadow as a result of the extension and the house itself would also be deprived of light and would have no privacy in the upstairs rooms through the addition of the proposed windows/roof lights.
- the development would seriously impact on the historic value and price of the listed building opposite, not to mention the house prices of homeowners in the vicinity.
- If the extension really is necessary, which is doubted as the Surgery is empty Thursday afternoon and Saturday morning, why not better timetable the use of the existing building and re-allocate the newly acquired funds? Is it not possible to use the free village car park for staff and patients and extend onto the existing land in a low-level aesthetic way or even start again on a more suitable site?
- Questions whether there are not in fact more than just 3 objectors.

[commenting in response to the 9th December consultation re current plans]

From the occupier of Schaanwald:

- Although the raised roof is moved to the rear of the existing twin roof it is still far too high. If the elevation drawing is to scale it would be about 4 metres higher than the existing roof line which would still totally dominate neighbouring buildings.
- Rose cottage is shown on the interactive planning map in completely the wrong position as it is shown on the same site as the surgery, obviously incorrectly.
- Clearly the planning department have no idea where Rose cottage is. In fact Rose Cottage sits immediately behind the surgery and only 1 metre from the boundary line.
- Rose Cottage would be totally dominated by the new roof in a totally unacceptable manner.
- In Conservation Areas the Council says it "will only grant planning permission for a development which preserves or enhances the character and appearance of the conservation area". This development proposal clearly fails this requirement.

- The building would have no affinity with any other building in Old Road or the wider Conservation Area and would be “an architectural carbuncle”.
- Parking problems have been ignored.

Checkley Parish Council

- 6.3 We accept that our Doctors’ surgery requires additional space for the reasons detailed in the last page of The Design, Access and Heritage Statement and would fully support the enhanced provision for our community. With regard to an approved scheme design to achieve the additional space, the proposal is in the Upper Tean Conservation Area, the Parish Council would defer to the expertise of SMDC’s Conservation Officer expecting that an approved scheme would fully reflect the opinions of said officer and be congruent with the conservation area.

SCC Highways

- 6.4 No objection. Old Road is an unclassified D road with a 30mph speed limit and benefits from streetlights. It runs between the A522 Cheadle Road and High Street with a one-way system in place from the north terminating at a point just above and north of the public car park at which point it becomes two-way to its junction with High Street. The proposal would result in 2 additional consulting rooms to the ground floor and new staff facilities to include Practice Manager’s office, kitchen, meeting room, records room and shower room to the newly constructed first floor. The proposal will not cause an impact on parking spaces and the car park will continue to accommodate 11 vehicles including 2 disabled bays. The property is sited in the village of Upper Tean within walking distance of a public car park and public transport links. It is considered that staff and patients may use these means of accessing the surgery. The proposal is considered not to have a detrimental impact on the adopted highway.

SMDC Conservation Officer

- 6.5 Commenting on the scheme as first submitted: Old Road is a characterful lane within the Conservation Area flanked by red brick vernacular buildings, with a gently sloping gradient southwards along its winding route, revealing attractive townscape views and views out to the hillsides beyond. There are several terraces of workers’ cottages linked to the Grade II* Listed Tape Mill and a further listed building stands opposite the application site. The doctors surgery is a modern single storey structure which would be regarded as a neutral building within the Conservation Area.
- 6.6 The proposal to alter the building and raise its height would create a building form and appearance that has no regard to the local building vernacular, and would look wholly out of place. It would be dominant and obtrusive with its wide gables and dominant hipped roof. Whilst there is no objection in principle to increasing the height of the building, the form should respect the local context.
- 6.7 Conservation Officer comments not available following the 3rd December 2021 amended plans.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 The primary relevant Local Plan policy is SS8 for the Larger Villages. From the SS8 supporting text: “The larger villages have an important role in terms of serving and supporting their immediate surrounding rural areas and smaller villages. It is important therefore that they are sustained and promoted as service centres. A major issue in such settlements is balancing the need to retain local facilities and accommodate housing and other needs with maintaining their character and avoiding over-development.” This site is within the Upper Tean Larger Village Development boundary where therefore “development of an appropriate scale and nature will be allowed”. In other words the proposed development would be supported in principle by the Council’s adopted Local Plan policies.
- 7.2 The main issues to consider with this application are: the likely public benefits to the community of a development to augment a local medical practice; design; impact in terms of character and appearance on the street scene; impact on the setting of Brooklands (including Schaanwald) as a Grade II Listed Building; impact on the character and appearance of the Upper Tean Conservation Area; impact on the living conditions of the neighbours; highway safety.
- 7.3 Local Plan policy SS8(1) [first point] refers to “Enabling appropriate development which supports and increases the range and quality of community facilities available to the rural areas; SS8(1) [second point] refers to “Protecting community facilities where loss would be deemed to reduce the community’s ability to meet its day to day needs”.
- 7.4 Local Plan policy SS8(4) is to “Ensure that new development reflects and enhances each village’s special character and heritage” referring to various considerations including to ensure that development is “of a suitable scale in relation to the role and function of the villages as set out in the Spatial Strategy” and to protect and enhance the setting of settlements and to protect and enhance “the setting and historic character of the village, including heritage assets”.

Design

- 7.5 The design as submitted in the amended scheme can reasonably be judged to successfully achieve the additional first floor accommodation over part of the building in a form that is consistent in appearance with the existing building including in choice of materials.
- 7.6 It would be appropriate to stipulate by condition the use of brick and roof tiles to match those of the existing building. In the northerly side elevation over the car park, alternative materials including render and upright boarding are indicated. There is an important design case to simplify this by allowing the render as

shown but to omit any boarding and instead revert to brick. Alternatively it may be considered that the whole gable elevation should be in brick. On balance the part use of render with the remainder in brick may be judged the most suitable option. Again, this could be stipulated by condition. In support of partial use of render this material is used to varying degrees on some nearby dwellings and therefore not wholly out of place. There is no comparable use of boarding and its introduction would therefore be inconsistent.

- 7.7 In terms of impact on the public street scene the extension would not over dominate as it is to the rear relative to the street front. The raised gables both to the south and north would be visible but would not detract or seem out of place as the majority if not all the surrounding adjacent dwellings are of two storeys. The width of the gable as amended at c.7.4m is commensurate with typical gable dimensions nearby.

Heritage impact on the setting of the Grade II Listed Brooklands (including Schaanwald) and on the Upper Tean Conservation Area

- 7.8 As regards the Listed Building (Brooklands) there is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building affected, and its setting and “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 7.9 As regards the Upper Tean Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the Section 72 Duty has been applied and discharged. Section 72 (and Footnote 6 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting.
- 7.10 An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.
- 7.11 Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.
- 7.12 NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”. Paragraph 200 goes on to say

that: “any harm or loss [to a heritage asset] should require clear and convincing justification.” NPPF paragraph 202 states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

- 7.13 In the revised plans, the scale of the development proposed and its form means that it would not intrude unduly on views of the Listed dwellings of Brooklands and Schaanwald. As an existing building already established within the setting of the Listed buildings and already present as part of the Conservation Area when it was designated in 1998 the Conservation Officer has advised that the existing surgery building can be regarded as ‘neutral’ in its impacts.
- 7.14 If it is accepted that the proposed extension is consistent with the design character of the current building, and proportionate in scale and form, it would be logical to conclude that the impacts of the proposed extension may also be considered neutral. As such there would be no need to weigh in balance any public benefits from the development and the proposal can be accepted in terms of policy DC2 and the NPPF.
- 7.15 If alternatively there were considered to be some degree of harm, and assuming this to be ‘less than substantial’ (within the meaning of the NPPF), it would be necessary to weigh the extent of any public benefits of the development. In relation to the development of a Doctors’ surgery, enabling its expansion including to the range of services offered to the local patient population, it may reasonably be considered that the public benefit would be significant and would weigh as a counter balance to any ‘less than substantial harm. As noted here however, the officer assessment is that the changes resulting from the extension proposed would be ‘neutral’ in terms of their impact both on the setting of the Listed Building (Brooklands) and on the character and appearance of the Upper Tean Conservation Area. Where a development is neutral in impact it becomes correct to conclude that the heritage is ‘preserved’ in its current state, notwithstanding that there are visual changes.

Amenity / Living Conditions

- 7.16 In relation to the first submitted plans, the occupier of Schaanwald raised concerns about overlooking and intrusion on privacy. With the revised scheme the extension would be at a distance of c.20 to 25m from the front elevation of Schaanwald. The eaves height would be about level with the current maximum ridge height of the surgery building. Whilst there are windows proposed in the elevation facing Schaanwald these would be behind the roof of the existing nearer part of the surgery building. Whilst there could be some intervisibility between the proposed windows and existing first floor windows in Schaanwald or its neighbours this would be likely only in relation to upper window sections at most and highly constrained by distance and intervening roof slope and therefore not problematic. Furthermore the distance of separation is about equal to the 22m which is found acceptable in the adopted Space About Dwellings Guidance for fully facing principal windows.

- 7.17 For Rose Cottage to the rear (east) of the proposed extension the separation distance is between 12.5m and 15.5m – the range is due to an oblique angle of orientation as opposed to being directly facing. The position of Rose Cottage has been indicated on the location plan at the end of this report. There would be windows in the new first floor which would face Rose Cottage but these serve a corridor rather than habited (or operationally active) rooms. Nevertheless it would be appropriate to impose by condition a requirement for these corridor windows to be obscure glazed (to at least level 5 on the Pilkington scale) so as to minimise any sense of being overlooked at Rose Cottage.
- 7.18 A further important consideration in relation to Rose Cottage is to assess whether the proximity of the added height extension may be regarded as overbearing on the living conditions for occupiers of the dwelling at Rose Cottage, including the ability to enjoy its garden. The Council's adopted Space About Dwellings Guidance states at paragraph 12 that for facing extensions / buildings there should be no obstruction to daylight above a line drawn at 25 degrees measured from the mid-point of the nearest windows of the potentially affected property.
- 7.19 The situation at Rose Cottage is complicated by the addition of a substantial conservatory extension in place of the ground floor principal window; and the original ground floor wall has been opened up to create an open plan living space. Save for a brick base wall to c.750mm height, the conservatory is fully glazed to all sides. It also has transparent roof glazing. Assessing the 25 degree angle in relation to the original wall elevation of the dwelling the surgery extension would be some 2.5m below the 25 degree line at the eaves and c.1m below at the roof ridge. On this basis the extension would be found acceptable.
- 7.20 Carrying out a similar assessment in relation to the conservatory, the extended surgery eaves height would still come under the 25 degree line whereas the roof ridge would breach the 25 degree line by c.0.5m.
- 7.21 Notwithstanding the above assessments there may still be considered some 'imposition' on the sense of space and light for occupiers of Rose Cottage and ultimately it becomes a matter of judgement as to whether the impacts are acceptable in terms of the living conditions for the occupiers. The situation is helped in that the surgery building is not squarely aligned with Rose Cottage but lies somewhat to the north west. Prevailing light from the sun's arc through south to west would largely not be affected by the development. There would however be likely to be some noticeable additional shading to evening light.
- 7.22 On balance it may reasonably be judged that the impacts on Rose Cottage are acceptable, particularly considering that the Space About Dwellings Guidance would appear to be met.

Highway Safety

- 7.23 Given the SCC Highway Officer advice, the implications for Highway safety are acceptable. A large public car park is available within 100m of the surgery entrance in addition to the 11 parking spaces at the surgery car park. Pavement parking will bring understandable annoyance and no residents should be finding their drive entrances blocked. Ultimately however these are highway breaches which should be addressed through appropriate highway safety enforcement.

Response to Public comments

- 7.24 The majority of the points raised have been covered in the above report text. Many of the points raised by the three respondents were in response to the larger initial proposal and the modified scheme can be considered to have sufficiently addressed these criticisms. There was preference by one of the respondents for the development to be kept single storey and take up some of the car park. Whilst this could be an option it is not the proposal currently under consideration. It is also suggested that the surgery could focus its expansion to its Blythe Bridge site but this would be disadvantageous to the immediate community in Upper Tean and again is not the proposal submitted.
- 7.25 Although Rose Cottage was omitted from the initial consultation it was included in the re-consultation of 9th December 2021. The posting of a site notice means that the minimum statutory requirement for publicity was met at the outset in the first round consultation and the occupier at Rose Cottage did submit comments at that stage. It is the Ordnance Survey map base which places the name Rose Cottage over the site of the surgery building and not the Council's mapping as alleged in the criticisms of one of the objectors.

8. Conclusion and Planning Balance

- 8.1 For the reasons discussed in the report the revised and reduced scheme is found acceptable in design; is found 'neutral' and therefore acceptable in terms of Listed Building setting and character and appearance of the Conservation Area. There is found to be some partial impact on amenity for occupiers of Rose Cottage but at a scale that is judged acceptable and not amounting to any defined or specific breach of the Space About Dwellings Guidance. No adverse impacts are found in relation to any other neighbouring dwellings and the scheme is acceptable in terms of Highways.
- 8.2 The proposal has an important positive benefit for the community in that it enables an expansion and consolidation to the General Practitioner medical services available to residents. This is a valuable contribution to creating sustainable communities which is supported by Local Plan policy C1. The scheme is found in accordance with the relevant Local Plan policies identified, as well as local and national planning guidance. Therefore, in the absence of any other material considerations and having due regard to all other matters

raised, including neighbour objections, the application is recommended for approval.

9. RECOMMENDATION

A. Approve subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

- 2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:**

Drawing 3 sheet 1

Site and location plan sheet 4

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

- 3. The external facing and roofing materials shall match respectively in colour, form and texture those of the existing buildings using brick for the walls and tiles for the roofing and there shall be no variation without the prior consent in writing of the Local Planning Authority.**

Reason: To ensure that the works harmonise with the existing development.

- 4. The windows in the rear elevation facing south east towards Rose Cottage shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent and then shall be maintained and retained for the life of the development.**

Reason: To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.

Informative

- 1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.**

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee,

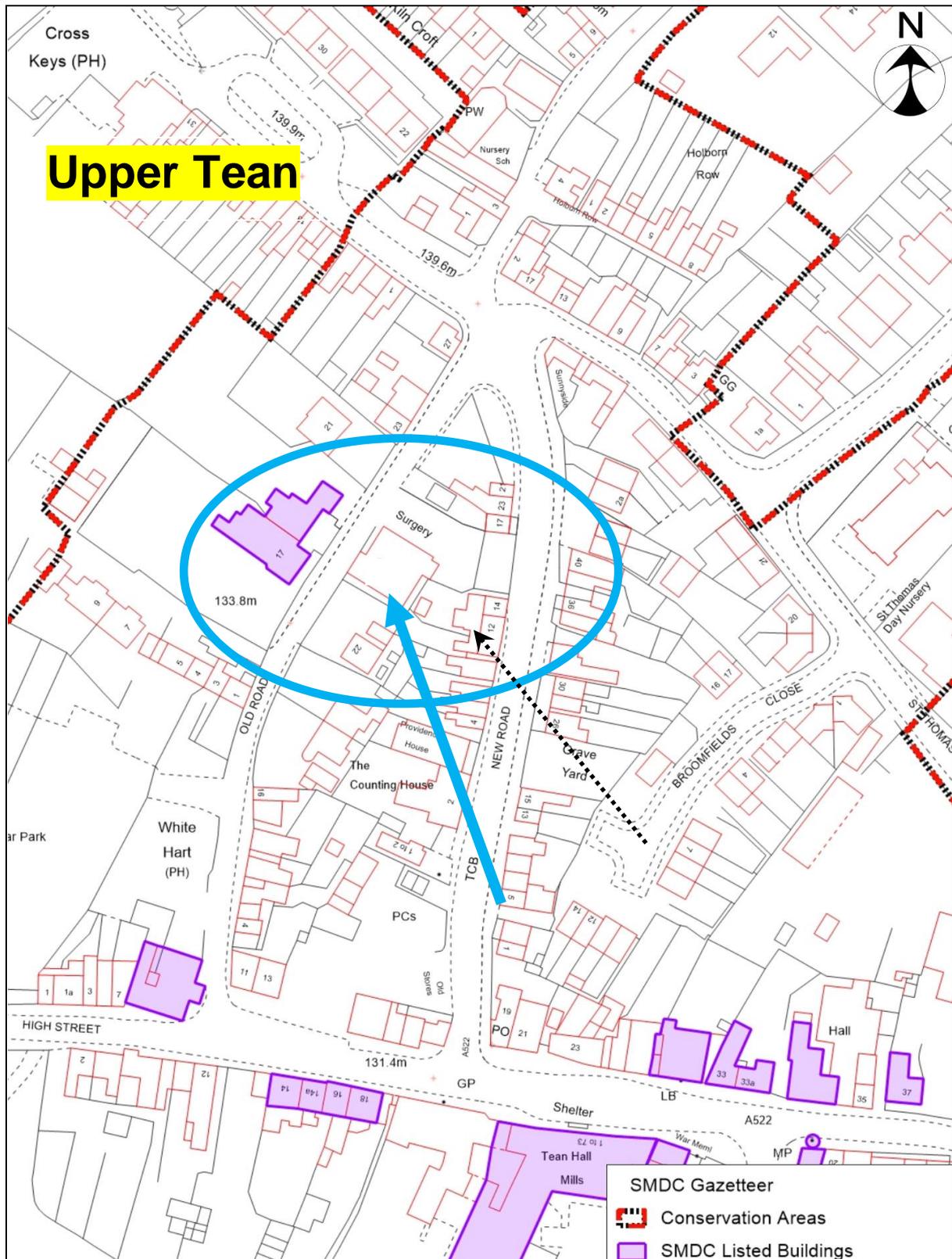
provided that the changes do not exceed the substantive nature of the Committee's decision

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148965>

10.2 – location plan



NB

- blue solid arrow points to the application site
- black pecked arrow points to Rose Cottage (back-to-back with 12/14 New Road)