

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

30 August 2018

Application No:	SMD/2018/0082	
Location	Hillswood Lodge Nursing Home, The Close, Endon	
Proposal	Two-storey side extension forming accommodation.	
Applicant	Hillswood Ltd	
Agent	Forefront Development Consulting	
Parish/Ward	Endon	Date registered 07/02/2018.
If you have a question about this report please contact: Mr C Johnston Christopher.johnston@staffsmoorlands.gov.uk		

SUMMARY OF RECOMMENDATION

REFUSE

REFERRAL

The application is brought before Planning Committee at the request of Cllr Lea and Cllr Jebb to assess the impact neighbour amenity and trees.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is within the development boundary of Endon and lies on the north-west side of the main road, A53 (Leek Road). It comprises a large detached two-storey nursing home with grounds and parking, at the end of a small private cul-de-sac ("The Close") off Leek Road. The cul-de-sac provides two accesses into the property, with the main one being half-way down the road. There are detached dwellings to the other side of The Close and to the south-east side. The north-west and north-east boundaries of the site adjoin the rear boundaries of residential properties on Hillside Avenue. The nursing home building has cream-colour rendered walls and dark grey tiles. It has an early 20th-Century style and characterised by hipped roofs, dormer and gable ends although there is also a recently built front-side two-storey extension with large front gable end. There is also a smaller detached annex-type building ("The Cottage") close to the north-east boundary with similar materials and a front gable end. There are car parking spaces to the front and rear of the building. The site is on land which slopes downwards towards the main road to the south-east.
- 1.2 Large boundary trees are a feature of the site and lie mainly close to the south-west side, north-east side and rear (north-west) boundaries

of the site. There are also large trees protected by Tree Preservation Orders (TPOs) close to the north-east side boundary of the site within the neighbouring rear gardens of Hillside Avenue properties.

2. DESCRIPTION OF THE PROPOSAL

- 2.1 This is a full planning application for a front/side two-storey extension forming a wing which projects at a diagonal angle from the side wall of the building and would be parallel with the north-east boundary of the site leaving a gap of 3.0 metres from that boundary and 4.5 metres from the front (south-east) boundary of the site. The would provide ten additional care home bedrooms (and two sitting rooms) on two levels which would all face the car parking and garden area to the front of the main building. The detached “cottage” would be demolished.
- 2.2 The front wall (facing the grounds to the front of the care home) would have a width of 20.0 metres. The rear wall, facing the Hillside Avenue dwellings would have a width of 28.0 metres. The extension depth would be 9.5 metres (excluding front gable projections and rear fire escape). The max height from ground level up to the roof ridge would be 7.2 metres although the heights would vary due to the extension being built on sloping land. As a result the roof ridge would join the side wall of the main building 0.4 metres below the level of the main roof eaves. The main building by comparison has a max height of approx 9.0 metres and is also on higher ground.
- 2.3 The car parking layout and spaces would remain the same and comprises seven spaces to the front of the building and seven to the rear i.e. 14 spaces in total. The forms state that the care home enlargement would lead to two full-time and two part-time additional staff to add to the 5 no. full-time and 13 no. part-time staff working at the care home. A letter received from the manager states that there are currently 20 residents at the care home.
- 2.4 The latest plans are revised plans which show the extension moved away from the rear boundaries of the Hillside Avenue properties from 2.0 metres (in the original plans) to 3.0 metres. The amended plans also show a sectional drawing of the extension to show the difference in ground levels between the proposed extension and the rear gardens of the Hillside Avenue properties and also the position and height of the fence separating the two properties, to demonstrate the visual impact of the extension on the neighbouring properties.
- 2.5 The application includes a Tree Survey Report. The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council’s website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=120677>

3. RELEVANT PLANNING HISTORY

SMD/1984/0734	Change of use to residential care home for the elderly. Approved.
SMD/1988/0505	Two-storey extensions. Approved.
SMD/1991/1199	Change of use of garage to provide sheltered accommodation. Approved.
SMD/1992/1145	Extension to provide office. Approved.
SMD/2013/0998	Bedroom and lounge extensions. Approved.
SMD/2014/0417	Lounge area extension. Approved.
SMD/2014/0547	Bedroom extensions (revision to SMD/2013/0998). Approved.
SMD/2015/0536	Single-storey front extension. Approved.
SMD/2017/0097	Two-storey side/front extension. Withdrawn.

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 The Development Plan comprises:-

- Saved Staffordshire Moorlands Local Plan Proposals Map/Settlement Boundaries (Adopted 1998);
- The Staffordshire Moorlands Core Strategy Development Plan Document (Adopted 26th March 2014)

Staffordshire Moorlands Core Strategy Development Plan Document (Adopted March 2014)

4.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6a Larger Villages Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan Process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination;
- The extent to which there are unresolved objections to relevant policies; this varies depending on the policy in question;

- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies and their weighting are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
SS2	Settlement Hierarchy (Limited)
SS3	Future Provision and Distribution of Development (Limited)
SS8	Larger Villages Areas Strategy (Limited)
H1	New Housing Development (Limited)
DC1	Design Considerations (Moderate)
NE2	Trees woodland and hedgerows (Significant)
T1	Development and Sustainable Transport (Moderate)

National Planning Policy Framework (NPPF July 2018)

The following NPPF sections are relevant;

- 5: Delivering a sufficient supply of homes.
- 12: Achieving well-designed places.

National Planning Policy Guidance

4 CONSULTATIONS CARRIED OUT

5.1 A Site notice has been displayed and neighbouring properties notified.

Site Notice	Consultation period expired: 04/04/2018.
Neighbour Notification	Consultation period on amended plans expired: 18/05/2018

Public Comments: Letters of objection have been received from three adjacent residential properties on Hillside Avenue. Two letters have been received from other nearby neighbours neither supporting or objecting to the application but raising a few points of concern. The main points raised in the letters are as follows:

- Overbearing impact of the extension when viewed from residential properties on Hillside Avenue which would be exacerbated by the removal of hedge/tree screening close to boundary

- Harm to the roots of the protected tree within No.3 Hillside Avenue
- The extension amounts to an overdevelopment of the site
- No replacement hedge/tree screening close to the boundary of Hillside Avenue properties is proposed
- Widening of gap between the back wall and the rear boundaries could allow wider area to be used as a lit outdoor amenity area leading to noise and light pollution
- Overlooking from rear windows into neighbouring properties
- Damage to boundary fence and neighbouring properties on higher ground levels due to excavations to build extension
- Design out of keeping with the rest of the site
- Outdoor lighting for new extension could cause light pollution if directed towards residential properties
- Enlargement of care home will cause parking problems
- No replacement screen planting proposed would lead to residential property to the south being overlooked

A letter of support has been received from the care home manager outlining the demand for additional care home accommodation in Endon and that the enlargement would enhance the facility and protect the jobs of 24 staff working at the care home.

Endon Parish Council: The Parish Council has raised concerns about the proposal relating to the visually obtrusive impact of the extension, increased by tree/hedge removal (which currently provides screening).

Council Tree Officer: Formal comments awaited (and will be reported at the Committee meeting). There was an initial objection as the proposed extension would be within the root protection zone of the protected tree in the rear garden of No.3 Hillside Avenue. However, the latest advice from the officer is that following a subsequent ground investigation attended by the officer, there is little evidence of the roots of the protected tree (in the garden of No.3 Hillside Avenue) in the area where the proposed foundations of the extension are to be built and therefore it is now considered the proposal would not cause significant harm to the tree.

Staffordshire County Council Highways: No objection.

Severn Trent Water: No objection.

5 OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

5.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material considerations which indicate otherwise and in determining these applications, it shall have regard to the provisions of the

Development Plan, in so far as material to the application and to any other material considerations.

5.2 Paragraph 73 (NPPF July 2018) requires the council to identify a five-year supply of deliverable housing land, including a 5% buffer to allow for choice and competition in the market or, in this instance, 20% where there has been a significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. It is acknowledged that the council cannot demonstrate a five year housing land supply and as of 31st March 2017 the figure was 1.99 years.

5.3 Paragraph 11 of the National Planning Policy Framework (July 2018) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-takers this means: “(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting planning permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) 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”. NPPF para 8 identifies the three dimensions to sustainable development as economic, social and environmental. The National Planning Policy Framework is a material consideration in planning decisions.

5.4 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Core Strategy policy SS1a establishes a ‘Presumption in Favour of Development’ in line with National Planning Policy where (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole, or,
- II. Specific policies in within the Framework indicate that development should be restricted.

5.5 There are no local planning policies or government planning guidance specifically relating to care homes but housing policies in general at both local and national level do require a range of different housing and housing for all groups including the elderly. There is an ageing population and therefore a likely demand across the District for more elderly care accommodation. The principle of the enlargement of the care home

within the confines of a large village, close to a range of shops and services and in a sustainable location, is therefore acceptable.

- 5.6 With regard to how the proposal sits in terms of the requirements set out in para. 5.4 of this report and para 11 of the NPPF, there would be a presumption in favour of the proposal unless Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits against the policies in the National Planning Policy Framework (NPPF) taken as a whole. The remainder of the report will focus on whether such adverse impacts exist.

Design and Visual Impact (Character and Appearance)

- 5.7 Despite the width of the extension which, at the front, would slightly exceed the width of the main building, and the two storey form of the development, the height and in particular, eaves height, has been restricted due to its design and this is also helped by the lower ground levels resulting in the main roof ridge being below the eaves of the main building. This has resulted in the extension appearing subservient to the main building in terms of scale and would avoid dominating the more historic main building on the site. The extension also attempts to harmonise with the character and appearance of the main building with features such as hipped roofs and gable ends on the front elevation. The cream render walls and black clay roof tiles would also respect the main original building. The rear elevation would harmonise less, partly due to the lack of fenestration (to avoid overlooking problems) and other detail, although this elevation is not visible from The Close or the public realm in general.
- 5.8 With regard to the impact on trees, which are features of the area and which contribute positively to its character and appearance, the trees within the site to be removed to make way for the development are not considered to be valuable species and the area would not be harmed by their removal. This includes a mature hawthorn hedge next to the rear boundary of No.3 Hillside Avenue. Of greater concern is the impact of larger more mature trees on neighbouring land, protected by Tree Preservation Orders. The tree deemed to be affected is a large mature Ash tree in the rear garden of No.3 Hillside Avenue. The proposed extension would be well within the predicted root protection zone of the tree (which would normally be in line with crown spread above it). Despite a foundation design which intends to avoid impact on tree roots, an objection was initially raised by the Tree Officer. However, a considerable amount of further information and an investigation has been undertaken on site, attended by the Tree Officer, to establish the exact location of the roots. Following this, the Tree Officer is now satisfied that the extension would not significantly affect roots and therefore the tree would not be affected by the construction of the extension.

5.9 In the absence of any objection from the Tree Officer it is concluded that the proposal complies with the relevant local plan policies with regard to trees and that a reason for refusal on this basis could not be sustained.

Impact on Residential Amenity

5.10 The proposed extension would be close to the rear boundaries of the residential properties at nos. 3 and 5 of Hillside Avenue, both comprising bungalows. The proposal involves a two-storey extension 3.0 metres from the boundaries. The rear wall would face the whole of the rear boundary of No.3 and part of the rear boundary of No.5, which, at a point halfway along the boundary, would taper inwards towards the existing care home building and away from the boundary. The garden at No.5 is also on higher ground than No.3 and therefore less of the extension would be visible from No.5, above the boundary fence. The rear elevation drawing shows a diagonal dashed line which represents where the top of the rear boundary fences would be approximately in relation to the rear elevation of the extension. It is not considered that the extension would appear significantly intrusive and overbearing to the occupants of No.5 Hillside Avenue.

5.11 However, the rear boundary of No.3 would face a middle section of the rear elevation of the extension and whole rear elevation would be easily visible from the rear garden. It is on lower ground than No.5 and the sectional drawing demonstrates that the upper part of the wall would be easily visible above the fence, a very wide section of wall the visible part of which would have an approximate height of 2.5 metres, up to the proposed roof eaves. The roof would slope away from the boundary but would still add to the visual impact of the extension when viewed from the rear windows of No.3 and its rear garden. It is considered that the combination of the two-storey and pitched roof form of the extension, together with its height, width and siting (3.0 metres from the rear boundary) would present a significantly intrusive and overbearing form of development when viewed from the rear windows and rear garden of No.3, sufficient to harm the residential amenities of the occupants thereof. The hawthorn hedge which currently screens the site from No.3 would be removed and it is considered by the Tree Officer that there is insufficient space for replacement planting. Although the large mature tree in the garden of No.3 is now deemed to not be harmed by the development, it does not provide adequate screening of the site as the canopy spread would be way above the roof of the extension.

5.12 The detached cottage to be demolished is directly to the rear of No.3 Hillside Avenue. It is currently well screened from No.3 by the hawthorn hedge but this is proposed to be removed. Regardless of this, the cottage has a width of just 6.0 metres and although arguably two-storeys in height, has more of a single storey form with eaves at single storey height and hipped roof slopes. Even without the hedge screen, it is considered that the cottage would not be a visually intrusive feature in comparison with the much larger extension being proposed which would replace it.

There is a window at the cottage which would overlook No.3 if the hedge was removed. However, it is considered that the scope of overlooking from this window into No.3 would be significantly less harmful to residential amenity than the overbearing presence of the proposed extension. This conclusion is drawn despite there being no proposed first floor windows overlooking that property (the rear windows would be at ground floor level serving a hallway which would face the fence and the upper windows are high level rooflights above another hallway).

- 5.13 It is considered that the extension would not harm the residential amenities of other nearby properties including the dwelling to the south (marked as The Office House) as the side elevation and not the rear elevation would face this property and a gap of 4.5 metres would separate it from the facing side boundary (the front elevation of the dwelling faces The Close). There are no windows proposed for the side elevation of the extension facing The Office House and there are therefore no overlooking concerns.

Impact on Highway Safety

- 5.14 The proposal would result in an increase in rooms from 20 (according to the care home manager) to 30 and there would be an increase in staff from 18 to 22 although many of these would be shift workers and it is not anticipated there would be as many as 22 staff at any one time inside the building. The Council currently does not have any adopted parking standards. Although the number of parking spaces would not increase as part of this scheme (there are fourteen), it is not anticipated that the slight rise in staff numbers and the increase in care home bedrooms would lead to significant parking problems as if all the parking spaces were taken at any one time, there is sufficient space to park on The Close (wide enough for two vehicles to park) and no objection has been raised by the Highways Authority in terms of the impact on the nearest public highways.

Other Points

- 5.15 Other concerns raised by the letters from residents, including light pollution/impact from external lighting can be controlled by planning conditions (in the event of an approval). Damage caused to neighbouring property or gardens by extraction works for the extension and the difference in ground levels is a civil matter and not a material planning consideration.

Conclusion and Planning Balance

- 5.16 The NPPF affords significant weight in allowing the care home extension due to the demand for more care home accommodation in a sustainable large village location. However, it is considered that the benefits of the scheme are outweighed by adverse impacts in the form of the significant harm to the residential amenities of No.3 Hillside Avenue due to the intrusive and overbearing nature of the extension and this is

contrary to the NPPF which seeks high quality design which harmonises with its surroundings and protects living conditions of residents. The proposal in this respect does not comply with policies H1 and DC1 of both the adopted Core Strategy and the emerging Local Plan (Submission Version). The application is therefore recommended for refusal.

6 OFFICER RECOMMENDATION

A Full Planning Permission is refused for the following reasons:-

1. The proposed care home extension, by virtue of a combination of its height, two-storey form, excessive width and siting close to the rear boundaries of properties on Hillside Avenue, would lead to a visually intrusive and overbearing form of development when viewed from the rear windows and rear garden of No.3 Hillside Avenue, significantly harming the residential amenities of the occupants thereof. The benefits of the scheme in providing additional care home accommodation in a sustainable location are outweighed by the adverse impact on the existing residential amenities of the area identified. The proposal is contrary to policies H1 and DC1 of both the Council's Core Strategy Development Plan Document (adopted March 2014) and the emerging Local Plan (Submission Version – February 2018) and is also therefore not in line with Section 12 of the National Planning Policy Framework (NPPF), 'Achieving Well Designed Places'.

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 Operations Manager – 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.

Informative

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant with a view to seeking solutions, via meetings, although such solutions have not been possible as the application has not been amended sufficiently to overcome the problems.

