

**Proposed two storey and single storey extensions to existing
C2 Care Home**

**Report Item No
A5**

**Lyndhurst Lodge 87 Burton Road Ashby De La Zouch
Leicestershire LE65 2LG**

**Application Reference
17/01607/FUL**

**Applicant:
Mr J Halliwell**

**Date Registered:
10 November 2017**

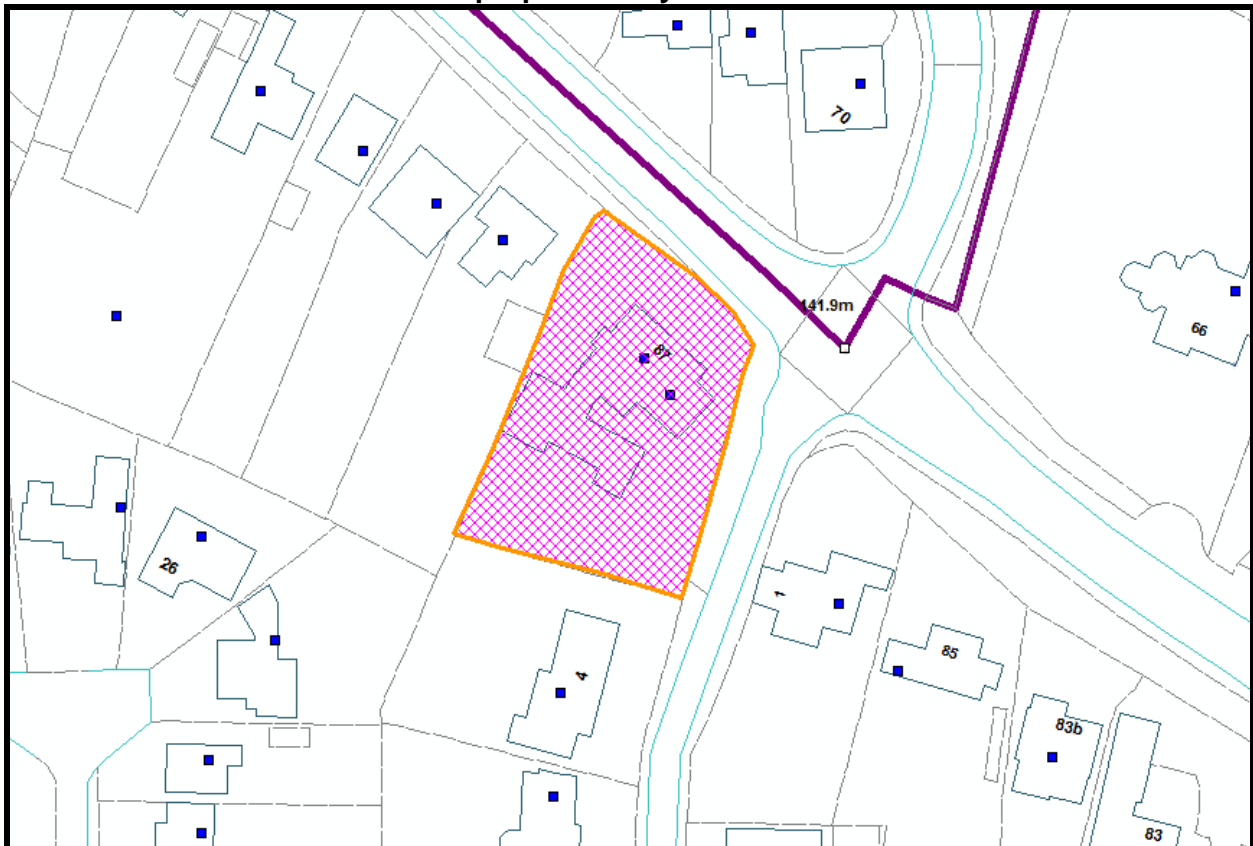
**Case Officer:
Adam Mellor**

**Consultation Expiry:
21 December 2107**

**Recommendation:
PERMIT subject to S106 Agreement**

**8 Week Date:
5 January 2018
Extension of Time:
None Agreed**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to Planning Committee by Councillor Hoult on the basis of concerns about the impacts on residential amenities, overdevelopment of the site in a residential area and the loss of off-street parking spaces as well as a matter of public concern.

Proposal

This is an application for single and two-storey extensions to Lyndhurst Lodge, 87 Burton Road, Ashby De La Zouch which is a residential care home.

Consultations

Objections have been received from third parties and Ashby De La Zouch Town Council, but no objections have been received from other statutory consultees.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Residential amenity;
- The impact on the character and appearance of the property and streetscape;
- Highway safety;
- Landscaping;
- The integrity of the River Mease SAC; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the two-storey and single storey extensions to an existing C2 care home at Lyndhurst Lodge, 87 Burton Road, Ashby De La Zouch. Lyndhurst Lodge is a two-storey detached building situated on the south-western side of Burton Road at its junction with Churchill Close and is within the Limits to Development.

The proposed two-storey extension would be attached to an existing two-storey rear projection to the building and would cover a ground area of 98.6 square metres and utilise a pitched hipped roof with a ridge height of 8 metres. A single storey extension would project in a south-western direction from an existing single storey addition to the building which would cover a ground area of 78 square metres and would utilise a pitched hipped roof with a ridge height 4.35 metres. It is proposed that the extensions would accommodate 9 bedrooms, a laundry room and a kitchen.

Following amendments a total of 12 off-street car parking spaces would be provided in connection with the use.

A design and access statement, outline sustainable drainage strategy statement and parking appraisal were initially submitted in support of the application and following the receipt of the initial comments of the County Highways Authority a further parking appraisal has been submitted and re-consultation undertaken accordingly.

No recent or relevant planning history was found.

2. Publicity

15 Neighbours have been notified.
Site Notice displayed 30 November 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Ashby De La Zouch Town Council objects to the application on the following grounds: -

- Over intensive development on the site.
- Location of kitchen will impact on the neighbouring property.
- Insufficient off-street parking is provided.

Leicestershire County Council - Highways Authority has no objections.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received at the time of this report.

Third Party Representations

One third party representation has been received which objects to the application and whose comments are summarised as follows: -

- Insufficient off-street parking has been provided on the site not only for staff but also for relatives of the residents and extra visits by medical teams.
- The location of the site will lead to on-street parking causing highway safety issues due to its proximity to a roundabout at the junctions of Burton Road with Churchill Close and Marlborough Way.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2012) ("NPPF")

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraphs 32 and 39 (Promoting sustainable transport);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 118, 120, 121 and 123 (Conserving and enhancing the natural environment); and
Paragraphs 203, 204 and 206 (Planning conditions and obligations).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised National Planning Policy Framework (NPPF). In view of the stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Submission Draft Ashby Neighbourhood Local Plan

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council has undertaken a six week consultation on the Draft Neighbourhood Plan and will now arrange for an examination. The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in

Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Limits to Development;
Policy S4 - Design;
Policy T6 - Car Parking;
Policy NE4 - Nature Conservation; and
Policy NE 5 - Trees and Hedgerows.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS).

5. Assessment

Principle of Development

The application site is within the Limits to Development where the principle of this form of development is acceptable. Accordingly the matters requiring further consideration are the implications of the proposals to the amenities of neighbours, highway safety, landscaping, drainage and the integrity of the River Mease SAC as well as the design of the extensions.

Residential Amenities

It is considered that the residential properties most immediately impacted on as a result of the development are no. 89 Burton Road, set to the north-west, no. 1 Churchill Close, set to the south-east, and no. 4 Churchill Close, set to the south-west.

In respect of no. 89 Burton Road the two-storey and single storey extensions would be set in excess of 19 metres from the south-eastern (side/rear) elevation of no. 89 with the two-storey extension set 14.4 metres from the shared boundary and the single storey extension set 0.6 metres from the same boundary. On the basis of the separation distance to the elevation it is considered that neither of the extensions would result in any adverse overbearing or overshadowing impacts and whilst the single storey extension would result in more built development along the shared boundary it is considered that it would not dominate the shared boundary, given the overall amount of garden associated with no. 89, and consequently would have no significant impacts on the occupants amenities. Neither of the extensions would propose windows that would result in an adverse overlooking impact to no. 89.

With regards to no. 1 Churchill Close the extensions would be set in excess of 19 metres from the property's north-western (side) elevation with the two-storey extension set 18.6 metres from the boundary and the single storey extension set 32.4 metres from the same boundary. On the basis of the separation distances to the elevations and boundaries the extensions would not result in any adverse overbearing or overshadowing impacts to the occupant's amenities. Whilst habitable room windows would be proposed at first floor level in the south-eastern elevation of the two-storey extension the separation distance would ensure that no adverse overlooking

impacts would arise particularly given that any views would be towards the front amenity associated with no. 1.

In terms of no. 4 Churchill Close the extensions would be set around 10.39 metres from the dwelling's north-eastern (side) elevation with the two-storey extension set 3.4 metres from the shared boundary and the single storey extension set 1.04 metres from the same boundary. Vegetation would be lost in close proximity to the boundary with no. 4 which would 'open-up' views of the extensions but given the extent of the massing of the extensions which would be presented to no. 4, as well as the use of a hipped roof on the two-storey extension, the orientation of no. 4 to the application site and the size of the garden associated with no. 4, it is considered that no adverse overbearing or overshadowing impacts would arise which would justify a refusal of the application. The position of windows on the two-storey extension would not result in any overlooking impacts with the view from a kitchen window in the single storey extension being at an oblique angle towards no. 4 and therefore not resulting in any adverse overlooking impact.

The Council's Environmental Protection Team have raised no objections to the application and as such it is considered that the proposal would not result in any adverse noise or smell implications to neighbouring amenities.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 123 of the NPPF.

Impact on the Character and Appearance of the Building and Streetscape

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

Lyndhurst Lodge is a property which, when viewed from Burton Road, is considered to make a positive contribution to the visual amenities of the streetscape due to its traditional appearance. It is, however, the case that the premises has been somewhat crudely extended in the past and consequently when viewed from Churchill Close the positive qualities of the overall building have been reduced.

With regards to the proposed extensions it is considered that the single storey addition would not have any adverse impacts on the character of the property nor the visual amenities of the streetscape due to its location at the rear of the building. Whilst concerns were initially expressed as to the scale and appearance of the two-storey extension it has been clarified by the applicant that the proposed size of the rooms is necessary to meet minimum standards and enhancements have been made to the appearance of the extension so as to try and mimic the design quality of the original building (by the inclusion of chimneys, recessed windows and consistent window sizes). It is considered that these amendments, as well as the fact that the proposed two-storey extension would effectively 'block' views of the previous two-storey extension, would enhance the visual amenities of the streetscape (particularly in views from Churchill Close) and would not harm the overall character of the building.

It is proposed that the external materials to be used in the construction of the extensions would be roughcast render along with a brickwork plinth in order to differentiate from the brickwork of the original property. It is considered that the use of such materials would be acceptable and as such would be conditioned accordingly on any permission granted.

Overall the scale, appearance and design of the extensions would be acceptable and would

ensure compliance with Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF.

Highway Safety

Following amendments to the plans the County Council Highways Authority (CHA) have raised no objections subject to conditions on any permission granted.

The vehicular accesses into the site off both Burton Road and Churchill Close currently exist and consequently the movement of vehicles at these accesses would not result in detriment to pedestrian or highway safety given that their widths and levels of visibility accord with the Leicestershire Highways Design Guidance. Vehicles would also be able to manoeuvre within the site so as to exit in a forward direction. On this basis the proposal would accord with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

Initially the CHA raised concerns about the proposals as it had not been demonstrated that adequate levels of off-street parking would be provided in connection with the proposal. Following the receipt of further information the CHA have determined that a parking survey demonstrated that no more than five visitor vehicles were parked on the site at any one time and that a TRICS (Trip Rate Information Computer System) assessment using average trip rates of three comparable care homes demonstrated that a care home with 25 bedrooms (which would be the total number of bedrooms should the application be approved) would generate a maximum accumulation of 9 vehicles. The amended layout plan demonstrates that 12 car parking spaces could be accommodated on the site and on the basis of the above the CHA are satisfied that this would be acceptable. On this basis the proposal would accord with Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF.

Landscaping

Five trees to the south-western (rear) boundary of the site along with partial sections of the hedgerow to the north-eastern (front) and south-eastern (side) boundaries would be removed in order to facilitate the development. None of the trees to be removed are protected by a Tree Preservation Order (TPO), nor would they warrant protection by a TPO, and a significant length of hedgerow would be retained to the north-eastern and south-eastern boundaries. Whilst it is preferable that existing soft landscaping is retained and enhanced, particularly when a development is located in The National Forest, it is considered that the limited loss of the soft landscaping in this instance should not act as a constraint on the development particularly given that its lack of protection could lead to it being removed at any time as well as the fact that the majority of the hedgerow would be retained.

No details of the type of hard landscaping to be provided on the site has been submitted and consequently a condition would be imposed on any permission granted for these details to be agreed.

Overall the proposal would be considered compliant with Policies D1 and En3 of the adopted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows

(DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 advise that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. Both DCS1 and DCS2 are considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The proposed extensions will result in the creation of six additional bedrooms, each of which would have one occupant, and as such there would be an increase in the foul drainage discharge from the site into the mains sewer. A DCS2 contribution would be calculated using the British Flows and Loads 4 document and this indicates that for a residential care home it would be anticipated that a flow of 350 litres/per person/per day would be expected. Whilst this is the case it is considered that, in this instance, the proposal only relates to the creation of additional bedrooms in an existing residential care home and consequently the flow is likely to be less than that for a new build proposal. As a result of this the calculation has been based on half of the expected flow (i.e. 175 litres/per person/per day). Two extra part time staff would also be employed and they are included in the calculation at a rate of 45 litres/per person/per day).

6 bedrooms x 1 person x 175 litres = 1050 litres/person/day
2 staff x 45 litres = 90 litres/person/day
Total discharge = 1140

Using the formula for non-residential schemes in DCS2, the resulting contribution is calculated as follows:

1140 litres x 2.5 = £2850

The applicant has indicated that he is willing to pay the required DCS contribution and the Council's solicitor has been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to the payment of the DCS contribution.

The flows from the six bedrooms need to be taken into account against the existing headroom at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or were under construction in March 2016 (1444), and the number of dwellings that have subsequently been approved or have a resolution to permit (446). As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

The proposed extensions and provision of additional hard surfaces on the site will impact on land which is currently soft landscaped and as such there will be an increase in hard surfaces on the site. Whilst this is the case, it is considered that the impacts to the River Mease SAC could be mitigated by the imposition of a condition on any consent granted to ensure that a soak-away is utilised.

In conclusion it can be ascertained that the development on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. It therefore conforms to Policies S2, En2 and Cc2 of the adopted Local Plan.

Drainage and Flood Risk

The site lies within Flood Zone 1, and is therefore in an area at the lowest risk of flooding, and is not within an area impacted by surface water flooding as defined by the Environment Agency's Surface Water Flood Maps. Whilst not in an area which would be prone to flooding it is noted that there is a need for surface water to be adequately drained for the purposes of the River Mease SAC. Permeable surfacing should therefore be utilised to achieve this aim as well as to avoid displaced surface water into the highway and public sewers. On the basis that a condition is imposed to secure the above works the proposal would be considered compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer, which would be a necessity in terms of the River Mease SAC, and would be agreed with Severn Trent Water under separate legislation. No representation to the application has been received from Severn Trent Water advising that this would not be appropriate and as such it is considered that the drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Summary Reasons for Granting Planning Permission

The application site is located within the Limits to Development where the principle of this form of development would be acceptable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping or the integrity of the River Mease SAC/SSSI, nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate that planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and completion of a Section 106 agreement;

1. Time limit.
2. Approved plans.
3. External materials.
4. Hedgerow protection.
5. Hard landscaping;
6. Off-street parking.
7. River Mease surface water run-off.