

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	29 th May 2013		
Application Number	13/00244/FUL		
Site Address	8 Willowbrook and Ashgrove House, Purton, SN5 4AG		
Proposal	Demolition of Existing Dwelling and Erection of New Building & Link to Adjacent Nursing Home		
Applicant	Mr Trowbridge		
Town/Parish Council	Purton		
Electoral Division	Purton	Unitary Member	Councillor Lay
Grid Ref	409315 187932		
Type of application	FUL		
Case Officer	Kate Backhouse	01249 706684	Kate.backhouse@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Lay has called in the planning application to be considered by Committee to allow Councillors to have the opportunity to hear neighbour concerns as there is local concern from residents with regard to loss of light, noise, disturbance and added highway movements plus the loss of a residential property. The added provision of more Nursing Care is not seen as an advantage to the locality over the disturbance such a development will create to the immediate neighbours.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues in the consideration of this application are the:

- Principle of development
- Impact on highway safety
- Neighbour amenity
- Size, scale and design

The application has generated 23 letters of objection from the public

3. Site Description

The site is situated within the village of Purton. The original building fronts onto Station Road with later additions to the rear. The site doglegs around onto Willowbrook where the site is currently occupied by No 8 Willowbrook, a detached bungalow. To the rear of the bungalow there is a drop in levels of approximately 0.75 metres where the rear garden of Willowbrook abuts the curtilage of Ashgrove house. To either side of No 8 Willowbrook are residential properties. To the west, a detached bungalow and to the east a semi-detached 2 storey dwelling. There are a range of house types and designs within Willowbrook. To the north west / rear of the property lies another residential property with Ashgrove house to the northeast.

4. Relevant Planning History		
Application Number	Proposal	Decision
09/00515/FUL	Erection of dormer windows, alterations to the roof and second floor extension	REF

5. Proposal

The applicant seeks permission for the demolition of 8 Willowbrook and the erection of a new two storey building with link to Ashgrove House. The building is to provide single occupier rooms instead of shared bedrooms for the facility. There is no net increase in the amount of bed spaces on site.

6. Planning Policy

Adopted North Wiltshire Local Plan 2011
 C3 - Development Control Policy
 H3 – Residential Development within Framework Boundaries

National Planning Policy Framework

7. Consultations

Highways – No objection subject to conditions

Adult Care – No objections

Parish Council – No objection

8. Publicity

The application was advertised by site notice, and neighbour consultation.

Following concerns from the Parish Council regarding the original site notices, new site notices were posted at the entrance to Willowbrook and Ashgrove House allowing 3 weeks from the date of posting for comments to be received. The neighbour notification process was undertaken in accordance with the Councils adopted policies.

22 letters of letters of objection have been received, and have been summarised into relevant categories below;

Size, scale and design

- Overpowering
- Out of keeping with surrounding buildings
- Will dominate street-scene
- Overdevelopment
- Loss of light

Change of use of residential to business

- Not appropriate for residential cul-de-sac
- Will lead to further business uses
- Will require more infrastructure

Highways

- Will cause parking problems in Willowbrook
- Result in additional traffic to estate from visitors, staff and emergency services
- Safety concerns

Amenity issues

- Overlooking
- Noise pollution
- Light pollution
- Disturbance to local residents from residents, visitors and lift

- Safety and security

Planning policy

- No identified need for additional care facilities

Other matters

- Deeds of properties state that they are residential
- Potential for acquisition of further residential properties by care home
- Party wall act implications
- Subsidence
- Lack of notification
- Precedent for future development
- Inaccuracies in numbering adjacent properties
- Restrictive covenants

9. Planning Considerations

Principle of Development

The planning application site lies within the defined framework boundary of Purton. As noted by the Councils Adult Care team, there is no particular shortfall in provision of care home spaces at present based on the home being occupied at full capacity of 34 beds. The resulting bed spaces will not exceed this figure. The proposed development is to facilitate private bedrooms rather than the existing situation where residents share rooms, the Adult Care team therefore support the application. The National Planning Policy Framework which is the key document on which planning decisions are made, refers to the need for supplying sufficient community and cultural facilities to meet local needs and not acting as an impediment to sustainable growth. There is no restriction within either the National Planning Policy Framework or the North Wiltshire Local Plan on having residential care facilities Class (D1), adjacent to residential dwellings Class (C3). Consideration is therefore given to the impact of the development in respect of size, scale and design; character of the locality; impact on the residential amenities of local residents; impact on the highway network and highway safety.

Size, Scale and Design

In respect of the design of the proposed building, the replacement of the bungalow with a two storey building is not considered out of keeping given the make-up of the surrounding properties. The building has a domestic appearance when viewed from Willowbank with materials to match the nearby properties. Reference has been made by an objector to the design and access statement referring to a 1 ½ times increase in floor space rather than doubling in size. In the interests of clarity, the total floor area is increasing from 111m² to 180m². To the side of the building a single storey element is proposed providing bedroom accommodation for residents. A link building is shown between the new building and the existing care home. In conclusion, no objections are raised in respect of size, scale and design to the proposed development. The increase in height is not viewed as out of keeping and the size and scale of the development is not considered to have over crowded the plot.

Amenity Issues

No windows are shown at first floor on the west side of this link building, with one high level window shown to the east. A further two windows are shown on the east elevation at first floor, one serving bedroom 4, a secondary window, and the other a stair well. Should it prove necessary the agent has indicated that these can be conditioned as obscure glazed. To the East elevation, bedroom 5 at first floor shows a window. However given the distances between the window and the property to the east of approximately 16 metres, no objection is raised.

Objection has been raised to the potential of noise from the site. The use is for a residential care home, not commercial business uses where heavy machinery may be operated. A care home within a residential location is therefore considered to be an entirely acceptable use. The potential of noise from residents and the lift are not considered to be reasons for refusal and any unacceptable disturbances could be addressed through the appropriate channels of the Environmental Health Officers. The potential for local residents seeing ambulances and body bags is an entirely moot point given that the access from Willowbank will serve two parking spaces, for care workers. All other traffic will remain using the existing access from Ashgrove House. In any event the potential for residents viewing such scenes is not a planning matter nor a reason for refusal.

Reference has also been made to the potential of light pollution from the site. There is no requirement for internal lights to be turned off in any domestic property and it would therefore seem entirely unreasonable to raise objection to internal lights serving a care home. The site is within a built up area and any external lighting can easily be controlled by way of a condition.

Safety and security matters have also been raised as an issue. Given that the site is to be accessed from the existing entrance, with the exception of the two spaces serving the carers, this is not considered to be of any concern. The only new door is in the link building therefore it is not considered that any additional pedestrian movements will impact unduly on occupiers of neighbouring properties. Visitors will have to come through the existing front access.

Impact on Highways

No objection has been issued to the proposal from Highways Officers subject to conditions and therefore in this respect no objection is raised. The access to the site, as stated on the design and access statement and made clear from the submitted plans will remain from Ashgrove House, with the exception of two staff parking spaces. All visitors will have to use the existing secure entrance and will not be able to gain entry from Willowbrook.

Flooding and drainage

The site lies within Flood Zone 1 where no FRA is required as the site does not lie within a flood plain. Notwithstanding this matter, the application will be conditioned in respect of a sustainable drainage system.

Change of use from residential to business

As noted above, the principle of change of use from residential to residential care home is considered entirely acceptable. The potential for future 'business' uses in the locality is not a consideration nor can a planning application be determined on what the owners future intentions may be. Each application is determined on its planning merits on a case by case basis. Any application for a business use in the locality, which are B1, B2 or B8 uses, would also be considered on a case by case basis however a residential care home, C2 use class, is subject to very different considerations to a business use and it therefore would seem improbable that such an application would be likely to be submitted.

Other matters

Comments have been received that insufficient neighbour letters were submitted and that no site notices were visible. The applications were advertised by site notices and neighbour letters. Neighbour letters were issued in accordance with the Councils adopted policy on neighbour consultation. (Available on request). As noted above, additional site notices were posted, extending the consultation period. There was also an independent Parish Council meeting which the agent for the application attended.

Issues in connection with boundaries in respect of party walls are separate civil matters which need to be addressed outside of any planning matters. Reference has also been made to an adjacent property suffering from subsidence, this would also need to be addressed independently.

Restrictive covenants or clauses in deeds to properties remain separate from consideration of planning applications. Again, these are civil issues. Any restrictions put on developments via condition of a planning application are however matters that we could become involved in to ensure compliance.

Objection has been raised to a submitted plan mislabelling No 7 as No 6 Willowbank. The Council uses its own mapping system to determine addresses and in any event it was apparent that the objector letter came from the occupiers of the property to the east of 8 Willowbrook therefore there was no confusion in this respect.

Conclusions

There appears to have been some confusion as to the purpose of the proposed development. This is for a physical expansion of the site, but not to increase staff or resident numbers, merely allow for single occupier rooms in accordance with the 34 spaces currently permitted by Wiltshire Council. The use of the site will therefore not intensify but will cover a larger area. The building itself is not considered to cause unacceptable loss of amenities to occupiers of adjacent properties nor is the design of the building out of keeping with the surrounding area. Highways matters have been addressed by the Councils Highway Officer

and the proposal is considered acceptable in this respect. The use of the building as a residential care home is considered entirely acceptable in a residential area.

The application is therefore recommended for approval subject to conditions.

10. Recommendation

13/00244/FUL

Planning Permission be **GRANTED** for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area. The proposed conversion is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The property has been marketed for a period of over 24 months without success and therefore the change of use is considered to be acceptable in this instance and is in accord with policies C3 and H3 of the North Wiltshire Local Plan 2011.

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 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

LPC/3142/1
Location Plan
LPC/3142/EX/1 – Existing Plan
LPC/3142/EX/2 – Existing Elevation
LPC/3142/2A – Proposed Site Layout
LPC/3142/3A – Proposed Ground Floor Plan
LPC/3142/4A – Proposed First Floor Plan
LPC/3142/5A – Proposed Elevations

Received 29.01.13

REASON: To ensure that the development is implemented as approved.

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plan, LPC/3142/3A, has been consolidated, surfaced and laid out in accordance with the approved details. The use of the car parking spaces shall only be for the use staff car parking. There shall be no deliveries, visitor parking via this car parking space. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

5. Pursuant to condition 4, no part of the development hereby approved shall be first brought into use until details of a sign saying 'Staff Parking Only' has been submitted to and approved in writing by the Local Planning Authority. The sign shall be erected on site in a position agreed in writing with the Local Planning Authority and shall be retained on site in perpetuity.

REASON – To ensure the parking spaces remain available for staff parking at all times.

6. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the site known as property known as Ashgrove House Nursing Home.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate / additional unit.

7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

13/00244



l p c
 Planning Consultants
 Tel : 01285 841433

Client : Mr K and S Trowbridge

Project : Ashgrove House
Station Road
Purton

Drawing : Site Location Plan

Date : November 2012

Scale : 1:1250

Drawing Number :

LPC/3142/1

29 JAN 2013