

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	8th January 2014		
Application Number	13/03489/FUL		
Site Address	Goldenley Care Home, Forest Lane, Chippenham. SN15 3QU		
Proposal	Extension to Provide Additional Bedrooms and Communal Areas		
Applicant	Mr Sats Ahluwalia		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Pewsham	Unitary Member	Cllr Mark Packard
Grid Ref	393012 172112		
Type of application	FUL		
Case Officer	Mrs Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Packard has requested that this application be considered and determined by the Committee to allow consideration of the following matters: scale of development; visual impact upon the surrounding area; relationship to adjoining properties; design – bulk, height, general appearance; environmental/highway impact; and car parking

1. Purpose of Report

This report recommends that planning permission be DELEGATED to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions.

2. Report Summary

This report considers the following main issues in respect of this development:

- Access and parking
- Design
- Impact on amenity of the locality and adjacent residents.

3. Site Description

The site is located at the end of Forest Lane which is a no-through-road to traffic. The footpath continues from Forest Lane through to Lodge Road.

At present the existing building on the site is a nursing home it is an extended two storey building. The building which has had numerous extensions over the years is in need of refurbishment.

The surrounding area is predominantly residential. However to the south of the site on the opposite side of Lodge Road are some commercial properties shops and a pub with car parking.

Adjacent to the eastern and north eastern boundaries there are residential properties which are located relatively close to the boundaries. There are trees on the northern boundary which are predominantly located within the garden of the adjacent property.

4. Planning History

Planning permission was granted in 2010 (10/01559) for extensive extensions to the building. This application was permitted subject to conditions. Of particular concern at the time were the impact of windows on the amenity of the adjacent properties, traffic and parking, the design of the building and trees adjacent to the boundary.

The proposal included a two storey extensions to the building on both sides, north and south.

5. The Proposal

This application scheme is for extensions to both sides of the existing nursing home. The extensions are two storeys with additional accommodation being provided within the roof space. The scheme will accommodate 44 residents.

The front area which is a green space at present is to be redesigned to create additional parking spaces and a garden area. The road is a public highway although it is located within the site as owned by the applicant.

Given the concerns raised in relation to the 2010 scheme the applicant has decided to keep the extension on the northern side of the building virtually unchanged.

6. Planning Policy

North Wiltshire Local Plan Policy C3
National Planning Policy Framework 2012.

7. Consultations

Chippenham Town Council- No objection although some concerns in respect of noise and traffic.

WC Highways- The highway engineer has reiterated previous comments made in 2010. No objection is raised subject to conditions in respect of surfaces and drainage. In addition concerns have been expressed over the number of car parking spaces.

WC Rights of Way-Proposal seems to conflict with footpath number 17. This needs to be drawn to the attention of the applicant.

WC Ecology- No objection

WC Urban Design- The proposal should have some landscaping to improve its appearance. Existing trees should be protected. The building is in poor state of repair.

Pipeline- comments awaited

WC Archaeology-comments awaited.

8. Publicity

The application has been advertised and neighbours consulted in accordance with the council's consultation protocol.

72 letters have been received from neighbouring residential properties raising the following issues:

- Loss of privacy
- Loss of light
- Increased traffic/highway safety/parking
- Loss of trees details not clear/ecology

- Pipeline
- Archaeology
- Red line incorrect
- Consultation
- Loss of residential amenity noise light pollution

9. Planning Considerations

In principle the extension of this home to provide more specific care for people with dementia is considered acceptable. The application proposes a larger mass of building on the site than the building that is there at present. In 2008 permission was granted for substantial extensions to this building. Whilst this previous permission has now lapsed the policy framework for the development remains the same and so this previous permission is a material consideration when determining this application.

Design and Impact on adjacent residents and the locality

The design of the building has been the subject of lengthy negotiations with officers as was the previous scheme which was approved. It is considered important that the building has an acceptable street frontage as it is located adjacent to Lodge Road which is one of the main roads through this large predominantly residential area located on the south east side of Chippenham.

The south elevation as originally submitted was too large and was not considered to be of a high enough quality in terms of its design for this prominent location. The previously approved scheme had been designed to present a reasonable street frontage which had been achieved by the use of a feature element and identified gable end.

The roof line height accepted in 2008 was a maximum of 8m this took the ridgeline along the length of the building almost up to the full height of the existing gables that exist on the building. On further inspection it appears the previous plans were inaccurate and the ridge line should have been of a height comparable with the gable which is 8m. The largest increase in mass is the two storey element adjacent to Lodge Road where at present there is a single storey building. This is a large increase in the existing mass of building but given its position adjacent to Lodge Road this is considered to be acceptable.

The scheme indicates that the maximum height is the same height as the existing ridgeline of the two storey element of the existing building. However due to a slight fall in the land, the building will be seen to be taller although the ridgeline still ties in with that on the main building. The element of building adjacent to Lodge Road will be approximately 8.7m. Following discussions with officers the height of this element of the building has been kept in line with the existing maximum roof line, i.e. the maximum height of the existing building. The frontage adjacent to Lodge Road has been redesigned which has greatly improved its appearance and therefore this element of the scheme in terms of impact on the street scene is seen to be a positive one.

The extension on the southern end of the site has an amended footprint to that approved. This has resulted in development being stepped very close to the boundary (Lodge Road). The neighbour nearest to this boundary has raised issues. However at this point the extension primarily looks along Lodge Road and over the end of the adjacent garden. There are already first floor windows on this elevation which are closer to the neighbours and therefore it is not considered that the proposed two first floor windows would result in an unacceptable level of overlooking particularly given the existing situation.

The extensions are located on the south west side of the closest adjacent residential properties so there will be some impact on the amount of light at present enjoyed by the occupiers of these dwellings. However, the building at present sits 4m from the boundary and the proposed overall height does not exceed that of the existing building and so it is not

considered that this relationship is unacceptable. It is accepted that there will be a larger mass of building and its impact is judged against the impact that the approved scheme would have. On balance therefore the alterations are considered not to be of such a scale as to warrant refusal.

The positioning of windows has been kept in line with those shown on the approved scheme to ensure that there is no major change in the approved situation in terms of overlooking of adjacent properties. There are existing windows on the Eastern elevation which look out over the adjacent properties to the east but the new windows are positioned in a setback location so the existing built form will prohibit any further overlooking. The window on the north elevation at first floor level is a bathroom window and is shown as being glazed with obscure glass. In principle the use of the rooms has remained the same as those previously approved.

The windows on the eastern elevation have been kept virtually the same as those approved in 2010. The only amendment being that the roof space is to be used to provide additional room and therefore there are two high-level roof lights proposed. Given the height of these roof lights it is not considered that these result in an unacceptable loss of privacy for adjacent residents. A roof light is also proposed on the northern roof slope and again given the height of the roof light and the distance to the adjacent property this is not considered to result in a loss of privacy to adjacent residents.

Concerns have been expressed in relation to the first floor lounge area and possible overlooking. This room is located within the southern elevation. There are two first floor windows and these are positioned a minimum of 5m from the boundary with the adjacent property but due to the position of the boundary the immediate view from these windows is along lodge road. There is an oblique view into the neighbours garden and property but given the existing windows on the east elevation of this property and the fact that these windows are the main look out across the road loss of privacy is not considered an issue that would justify refusal of this proposal.

Highways and parking

The scheme as now submitted includes 15 spaces a reduction to those originally shown and they are located adjacent to the access road. There have been discussions in respect of the layout of the parking area but these appear to have been resolved and subject to conditions highways have raised no objection to this proposal. The highway engineer would expect to see 1 car parking space per 4 residents and 1 space per two staff. The applicant has confirmed that the parking will be reduced to 15 number spaces in line with the highway engineer's requirements. It has also been confirmed that in their experience this level of parking will be easily adequate. Residents have expressed concerns in respect of this matter and in particular the number of vehicles and possible safety issues. The provision of too many spaces could result in a conflict between pedestrians and road users. The provision of an inadequate number of spaces could result in overflow parking in the adjacent street. As stated the applicants experience is that this level of parking will be acceptable given the 44 residents and the 7 members of staff. This level of parking has been agreed with the highway engineer. It is not considered therefore that there will be an unacceptable impact on traffic safety and or parking in the area as a result of this scheme. The applicant has offered to provide traffic calming measures and or signs to help with this matter if it is seen to be appropriate. This is something that can be discussed with the Highway Engineer when the means of providing the access and parking is progressed an informative to this effect is required.

Other matters

Concerns have been raised in respect of noise disturbance from the kitchens and staff as well as residents. The proposed kitchen door is located on the eastern elevation of the building. However, the previous scheme included a kitchen door but it was located on the side elevation. The applicant has submitted details in respect of the operating and

management of the site. In this respect it is considered acceptable to condition the permission in order to control the operations of the kitchen.

With regard to the likely disturbance to neighbours this marginal relocation of the kitchen door is not something that can be sited as a justifiable reason for refusal. Whilst there may have been instances of disturbance from residents it is accepted that reasonable management of the premises as stipulated by the applicant can minimize the likelihood of these instances occurring.

There is no additional lighting proposed in relation to this development. Concerns have been raised that lighting will be required in the interests of highway safety. The number of proposed car parking spaces has been reduced so the number of spaces is not considered to create a traffic hazard.

Other residents have raised concerns that any additional lighting would cause light pollution.

Comments from the council's archaeologist are awaited but this was not an issue previously raised.

It is considered appropriate for an informative to be added to any permission that advises the applicant that they cannot block a public right of way.

The original 'red line' site plan submitted followed the red line submitted in respect of the previous application. Following receipt of comments from a neighbour the applicant has submitted an amended red edged plan to indicate the extent of land in the applicant's ownership. There is no reason for officers to consider this amended plan to be incorrect.

Arboricultural information was submitted with the previous application and the footprint of the building adjacent to the northern boundary remains the same and therefore, it is not considered that there will be an unacceptable impact on these trees which are located on this boundary. The trees are primarily within the garden of the adjacent property and their wellbeing needs to be ensured. It will be possible to condition any consent to ensure that this happens.

The previous approval had a condition attached which required landscaping to be carried out. The scheme as now submitted has a plan indicating landscaping around the site to provide a pleasant outlook and useable space for residents of the home as necessary. This scheme is considered acceptable and its implementation will require a condition.

Concerns in respect of the layout of the building have been raised. The building includes lifts to the second floor. The size and configuration of the rooms is not something that would be stipulated or controlled by the planning officers.

One resident has questioned that more people should have been consulted. A comment has also been received in relation to the organising of a public meeting but this was not something that the council were involved with. The development was advertised and neighbours consulted in line with the council's policy for notification.

10. Conclusion

This is an acceptable form of development in terms of the increased use of the site the mass bulk and design of the scheme and its impact on the amenity of the adjacent neighbours. The scheme complies with Policy C3 of the North Wiltshire Local Plan 2011.

RECOMMENDATION that planning permission be DELEGATED to the Area Development Manager to grant subject to no adverse comments being received in relation to archaeology or the pipeline; and

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 No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. 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 and in the interests of highway safety.

- 3 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

- 4 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.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) accurate indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;

- (e) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and

species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 Prior to the commencement of development the necessary stopping up process of public highway as necessary will need to be completed.

Reason: To safeguard the interests of the applicant and highway authority.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and access statement 001, 003, 006, 005, 004, 002, 007, landscape 01

REASON: For the avoidance of doubt and in the interests of proper planning.

- 9 No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

INFORMATIVES

1. The applicant is advised that there will be the need for some of the existing highway to be stopped up and rights returned to the owner. It appears that some car parking spaces will be contained within Public Highway although the majority of this parking already takes place. The applicant is advised that there are two possible courses of action.
 - I. The stopping up of the highway can be carried out under Section 247 of the Town and Country Planning Act prior to development commencing. However, prior to starting formal procedure, an agreed area of highway to be stopped up should be agreed with the highway authority and would I suggest that formal enquires are made to the relevant statutory undertakers to check location of any infrastructure. If there are any utilities in the area, it is possible an easement could be agreed.
 - II. The second option will be via a Legal Agreement (Highways Act - 116) between the highway authority and the developer. All highway authority costs will need to be covered by the Developer. Please note that the stopping up of Public Highway will need to be advertised and there is a possibility objections could be received that could result in the stopping up being unfeasible.



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LOCATION PLAN
SCALE 1:1250
0 10 20 30 Metres