



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 26th October 2015

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 26 OCTOBER 2015

Application Ref: 13/15/0343P

Ref: 18888

Proposal: Full: Erection of two storey extension and associated internal and external reconfiguration to create 13 new bedrooms (34 in total) and provision of additional parking spaces to front.

At: SYCAMORE RISE LTD RESIDENTIAL CARE HOME HILL LANE COLNE
BB8 7EF

On behalf of: Crystal Care Homes Ltd

Date Registered: 22 July 2015

Expiry Date: 16 September 2015

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Development Management Committee as the Colne and District Committee were minded to refuse the application, despite the presence of an earlier permission and the marginal impact that this revised scheme would have on the Green Belt and adjacent Conservation Area.

The application site comprises an existing residential care home, known as Sycamore Rise. It is located on the outskirts of Colne with the surrounding area predominantly rural in nature. This property sits within a row of large dwellings along Hill Lane, which benefit from substantial curtilages.

The area is designated as both Open Countryside and Green Belt in the Replacement Pendle Plan. There are also a number of protected trees (covered by TPO No.1 1963) within the grounds of the home.

The development seeks to erect a two storey extension to create additional bedroom space with associated infrastructure. The site has been subject to two earlier applications for similar development, the first (ref - 13/12/0467P) was refused on the grounds of adverse impacts to the Green Belt and adjacent protected trees. The resubmission (ref - 13/13/0312P) incorporated design changes and was subsequently approved.

This current application seeks to make the extension slightly larger to accommodate more bedroom space, but remain smaller than that previously refused. In supporting the submission, the applicant advises that to be financially viable and to obtain funds for the development, the provision of further bedrooms is crucial. This is allied with changing industry standards with regards to the minimum sizes for rooms and corridors in such establishments, resulting in the increased floor space.

The scheme also includes the provision of further parking within the site.

Relevant Planning History

13/13/0312P - Erection of a two storey (lower ground floor & ground floor) extension to rear (south) 298sq.m to create 13 new bedrooms (total bedrooms from 21 to 25) (re-submission) - **Approved**

13/12/0467P - Full: Erection of two storey (basement and ground floor) extension to the rear (south) 498.9 sq/m to create 13 additional ensuite bedrooms - **Refused**

13/85/1218P - Erection of 12 bedroom extension and other alterations (Amended Plans) - **Approved**

13/85/0210P - Erection of extension to existing care home - **Approved**

13/79/0407P - Conversion and extension of existing garage into dwelling for warden - **Approved**

13/78/0547P - Single storey extension to provide room with bathroom at care home - **Approved**

Consultee Response

LCC Highways; no objection - the development should have a negligible impact on highway safety and capacity. Recommend a condition that parking area is made available prior to first use of the extension.

PBC Environment (Trees); no comments at time of writing, any update will be provided before the Committee meeting.

Lancs Constabulary; no comments received.

Colne Town Council; this is a conservation area, development may be overbearing for the site. Car parking spaces would be inappropriate for a conservation area.

Public Response

Five neighbours notified, site notice also displayed. Two responses received, raising the following concerns;

- access during construction - lane is narrow and may not be suitable for heavy goods traffic
- Hill Lane used as a rat run by commuters - development would make the lane busier by way of increased staff/visitors
- lack of parking within the site, only 3 extra spaces for 13 more rooms
- cars parking on pavement cause hazards for other residents and road users
- capability of drainage network to cope with the increase proposed
- would like preservation orders on boundary trees to preserve the privacy they provide. If trees are removed a wall should be erected in their place
- former problems of waste disposal at the site - increase in occupants means improved provision should be put in place
- general condition of the site - areas are neglected and walls collapsing
- out of scale with adjacent properties
- no other commercial establishments in area - increase in capacity will worsen the impacts
- adverse impacts on adjacent conservation area
- no pedestrian footway on Hill Lane, which is already narrow and used to access local schools - development would increase traffic flows, danger and congestion

Relevant Planning Policy

Code	Policy
LP 1	Development in the Open Countryside
LP 10	Areas of Special Architectural or Historic Interest
LP 13	Quality and Design of New Development
LP 14	Trees, Woodland and Hedgerows
LP 3	Green Belt
LP 31	Parking
LP 32	New Community Facilities

Officer Comments

The main issues for consideration are compliance with Policy, design, highway safety, impact on residential amenity and protected trees.

Policy

The application site is situated outside the settlement boundary of Colne in land designated as open countryside and Green Belt land in the Replacement Pendle Local Plan.

Local Plan Policy 3 - Green Belt is applicable. The main focus of the policy guidance is to check the unrestricted sprawl of large built up areas and to prevent neighbouring towns from merging into one another and to assist in safeguarding the countryside from encroachment. The application site along with a row of residential properties is situated in Green Belt land. The development is to be contained wholly within the existing defined curtilage of the premises, as such there is no likelihood of merging or urban sprawl as a consequence of the extension.

Policy 3 states that inappropriate development will not be permitted in the Green Belt. Extensions or alterations of a building are permitted provided the volume of the original building does not exceed 25% volume of the original building. This is reinforced in Local Plan Policy 1 - 'Development in the Open Countryside'. However, following the introduction of the National Planning Policy Framework ('The Framework'), the percentage limit in Policy 1 could be considered overly restrictive. This does not remove the need to ensure development is appropriate in its setting and to the countryside.

The Framework (paragraphs 79-92) provides national guidance on Green Belt and states that the extension or alterations of a building is an exception provided that it does not result in disproportionate additions over and above the size of the original building.

The original building comprised a large detached house and was converted for residential care use circa early 1970s. It has been substantially altered since that time with several extensions having been added, which in tandem with the proposed development would take it well beyond the size of the original structure.

The previous application was determined on the basis of paragraph 89 of the Framework in that the development meets a defined exception, being the "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development would not be inappropriate development".

It was found that due to a combination of location; retention of and separation to existing site boundaries; topography; infilling and lack of visibility from public vantage point that an extension in

this position would not have significantly greater impact on the openness or character of the Green Belt than the existing development on site. Therefore it was found not to be inappropriate for the purposes of the Framework.

Weight was also afforded to the circumstances around the need for the extension and the need to provide essential standards/facilities as required by the Care Quality Commission who govern such care uses.

Policy 32 of the Local Plan also advises of the requirement to ensure that future needs of the community are catered for including provision of new community facilities including health. Whilst not a defining factor is reaching the decision to approve previously, these were material considerations accounting for the requirement in the Framework for planning to perform both an economic and social role when assessing new development.

In this revised submission it is necessary to establish if the changes proposed in terms of the scale of the extension would conflict with any of the aforementioned findings in the earlier schemes.

The extension is larger than approved in application 13/13/0312P, but smaller than that refused in application 13/12/0467P. The supporting information provided advises of the changing professional and financial reasons which have driven the requirement to make the extension larger, with the need to obtain funding and crucially provide rooms and corridors which comply with the necessary standards.

Whilst the overall length of the extension would be greater, the subsequent impacts on the Green Belt would not for all the reasons discussed above. The development sits comfortably within this existing site without appearing overly large or incongruous in the landscape. Adequate separation is retained to existing boundaries, which are in turn screened by groups of trees, some of which are protected. The proposal therefore remains under the definition of redevelopment of an existing brownfield site within the Green Belt.

Policy 14 relates to the impact of new development on trees. Several within the site are protected by virtue of a Preservation Order (TPO No. 1 1963) and discussed will be discussed in more detail below.

Policy 13 should be considered when looking at the design of the proposal and discussed in subsequent paragraphs.

Policy 31 'Parking' requires adequate parking being provided for new development. The proposal again includes the provision of 3 further parking bays within the curtilage, as approved in the earlier scheme.

The adopted parking standards refer to 1 space per 5 residents. The proposal includes 13 no. additional bedrooms and would require a maximum of 3 no. spaces. The development would therefore be acceptable in terms of Policy 31.

Design

Local Plan Policy 3 states that appropriate development will only be permitted if the proposal will not be visually detrimental to the Green Belt by reason of its siting, materials or design and will maintain the openness of the Green Belt.

In terms of the design and materials the external finish of the extension would be finished using materials that would be sympathetic to the building and raise no adverse design or visual issues in this location.

Impact on the Conservation Area

The site is in close proximity to, but not within the Lidgett and Bents Conservation Area. In light of the position, scale and nature of the development proposed, the impacts on the heritage asset would be negligible.

Amenity

The site is bounded on two sides by residential properties and objections have been received as noted above. There are a number of established and mature trees along the southern and western boundaries which provide a degree of screening to the nearest properties. This combined with the distances between the properties and the limited window openings to the east and west facing elevations means that the extension would not raise significant issues in terms of privacy loss or appearing overbearing.

Highways

LCC Engineers have assessed the proposal and raise no adverse comments in relation to highway safety or capacity.

It is advised that adequate parking provision has been provided and a condition should be added to ensure that the additional areas are provided and laid out prior to first use of the development.

Comments from neighbours regarding highway safety concerns are acknowledged, however as with the earlier scheme, LCC have no objections.

Protected Trees

As with the previous application, a tree survey has been provided. It concludes that 4 trees would be removed, three from the northern area of the site and one in the south, which does not raise any adverse issues. The scheme has previously been found to be acceptable, subject to the addition of no dig and protective fencing conditions. The larger scheme raises no greater impacts in terms of its relationship with existing trees, therefore the proposal would accord with Policy 14 of the Replacement Pendle Local Plan.

Drainage

Concerns have been raised that the existing drainage system is not sufficient to handle the increased capacity of the development. The Agent has advised that following the earlier approval, a submission was made under the Building Regulations. This contained a drainage scheme which was found to be acceptable in principle by the Council's Building Control section.

It should also be noted that no objections have been received from statutory drainage bodies. In any event a condition can be added seeking for these details to be provided as part of any approval given.

Other Issues

Objections have been raised in relation to other matters at the site, which would not constitute material considerations in the determination of this application.

Potential for disruption/noise during construction, the current condition of sections of the site and waste disposal are issues which can be dealt with by other more appropriate means. The request for further preservation orders on trees within the grounds of the home would need to be considered by the Council's Environment Officer.

Summary

The proposed amended scheme would be appropriate development under the exception detailed within paragraph 89 of the Framework and raises no other adverse planning issues subject to compliance with conditions. The application is therefore recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development represents an exception within the Green Belt, as defined within paragraph 89 of the National Planning Policy Framework. All other matters, including design, amenity, highway safety and protection of trees are acceptable and therefore compliant with Policies 1, 3, 13, 14, 31 and 32 of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 009, 008 C, 003 D, 004 C

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) of the trees to be retained on the site (specifically T22), shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees in the interest of the amenity of the area.

5. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site (particularly T22 to T27 and T38) and no work shall be carried out on the site until the written approval of the Local Planning Authority

has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

6. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the extension hereby approved is first occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

7. The proposed extension shall not be occupied unless and until the 3 car park spaces shown on the approved plan number 929/008 C has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter always remain unobstructed and available for parking.

Reason: In the interest of highway safety and to provide sufficient off-street parking provision.



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LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 12th October 2015