

The Application is for full planning permission for the erection stand-alone two-storey 24 bedroom Elderly Mentally Infirm (EMI) unit and replacement conservatory to St Quentin's Nursing Home. The footprint of the building is about 700 square metres with a maximum height of 7.5 metres.

The conservatory proposed is on the front elevation of the existing building and measures 16.5 metres by 3.8 metres in footprint, by 4.3 metres in roof height. A terrace area is to be created around the conservatory.

The site is within the Urban Area of Newcastle, an Area of Special Character (as set out in saved Local Plan policy H7), and close to the northern boundary of the Brampton Conservation Area as set out on the Local Development Framework Proposals Map.

Certain trees on the site are the subject of a Tree Preservation Order.

Sandy Lane is a C class road.

The 13 week determination period for this application expires on 24th October 2014. The Committee have already undertaken a site visit with respect to this application on the 4th September 2014.

RECOMMENDATION

REFUSE the application for the following reason:-

The two storey building proposed is harmful to the form and character of the area by virtue of its footprint and scale which encroaches into an open frontage which is a key component of the character of Sandy Lane – an area of recognised special character. If permitted the proposal will also compromise future decisions affecting the unique character of the area.

Reason for Recommendation

The proposed building is in a sustainable location, close to public transport links and within a short walking distance of the Town Centre. There is a presumption in favour of this development, therefore, unless *either* any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal *or* specific policies in the Framework indicate that development should be restricted. Provided the trees are retained along the Sandy Lane frontage, it is not considered that an objection on grounds of impact on the adjacent Conservation Area, a designated heritage asset, could be sustained. The properties in this part of Sandy Lane have a very open frontage and the two storey extension proposed will encroach significantly into this. The well set back line of development on the eastern side is a key characteristic of this area with isolated and limited exceptions – it is part of the unique character of the area which is recognised in Local Plan policy H7. There are very limited traffic generation implications and appropriate parking provision can be made. The proposal has an acceptable impact upon neighbouring uses. The harm to the character and appearance of the area which carries a Special Character designation significantly and demonstrably outweighs the benefits of the proposal relating to providing specialist residential care facilities and housing provision within the Borough.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

Pre-application discussions were entered into by the applicant and the advice received was not favourable with respect to a building on the frontage of the site. No amendments are considered possible to overcome the form and character issues for the proposal to be an acceptable form of development that complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area spatial policy

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential development: sustainable location and protection of the countryside
Policy H7: Protection of Areas of Special Character
Policy H13: Supported Housing
Policy T16: Development – General Parking Requirements
Policy N12: Development and the protection of trees
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character and appearance of a Conservation Area

Other material considerations include:

National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

Supplementary Planning Guidance

Space around dwellings SPG (2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

Views of Consultees

The **Landscape Development Section** have no objections subject to conditions relating to:

- Tree protection measures to British Standards and compliance with the tree survey.
- Prior approval and implementation of, a detailed landscaping scheme.
- Compliance with the recommendations of the submitted Tree Survey and Arboricultural Impact Report

The **Police Architectural Liaison Officer** has no objections and recommends that all doors and windows are of at least the minimum standard for security.

The **Environmental Health Division** following the consideration of a noise assessment have no objections subject to conditions relating to:

- Contaminated land conditions.
- Construction hours.
- Construction management details.
- Protection of highway from mud and debris.
- Certain Internal and external noise levels being achieved.

The Council's **Urban Design and Conservation Officer** has concerns that the design proposed is not sympathetic to the surrounding character of the area principally by bringing the building line forwards some 40 metres which is out of keeping with the overall character of the area. Any cumulative change of this nature along Sandy Lane should be carefully managed as it would be harmful to the character of the area.

The **Highway Authority** have no objections subject to conditions relating to:-

- The prior approval and implantation of 25 parking spaces within the site curtilage (as opposed to the 22 indicated in the submission).
- Provision of the ambulance parking area as submitted.
- Provision of a signage scheme for the access points.
- Prior approval and implementation of weatherproof cycle parking.
- Prior approval and implementation of a Construction Method Statement.

The **East Newcastle Locality Action Partnership** and **Waste Management** have not provided any comments by the due date so therefore it can be assumed they have no objections.

Housing Strategy's comments are being sought and will be reported to the Committee if received in time.

Representations

5 letters of representation have been received raising the following objections:

- The proposal will erode from the attractiveness of the area which is recognised as an area of Special Character by the Council's policies.
- The modern architecture of the proposal is out of keeping with the appearance of St Quentin's and neighbouring properties.
- The position of the extension encroaches onto important landscaped garden area fronting the property which is a key component of the area. Such development will set a harmful precedent.
- The scale and size of the extension proposed is inappropriate.
- The car parking facilities within the site are currently to capacity and the additional parking proposed is insufficient.
- Sandy Lane is already a very busy road and the additional traffic turning into and out of the site will be harmful to the flow of traffic and highway safety.
- The Planning Statement submitted with the application states that pre-consultation with residents was initially positive and residents have expressed the opposite view.
- Disturbance from existing activities associated to the use – such as ambulances coming and going, shouting and screaming are likely to increase and result in further nuisance to neighbouring residents.
- The extension will overlook neighbouring land which is unneighbourly and harmful to living conditions.
- The local drainage system is to full capacity and a large building of the nature proposed will be problematic.

The impact to neighbouring property values which has also been raised as an issue is not a material planning consideration.

Applicant/agent's submission

The application is supported by the following documents:

- Design and Access Statement
- Tree Survey and Arboricultural Report
- Ecological survey
- Transport statement
- Planning Statement
- Noise Assessment

All of the above are available for inspection both at the Council Offices, and on the Council's website at www.newcastle-staffs.gov.uk/planning/1400543FUL. The agent has submitted a response to the representations received by the Council which is also available to view.

KEY ISSUES

The proposal is for a 24 bedroom EMI Unit and replacement conservatory. Nursing homes with EMI units specialize in caring for elderly people who suffer from mental illness, such as Alzheimer's

Disease. There are two existing buildings on the site providing nursing home and residential care facilities respectively. The new building is to be erected on a presently open part lawned part hardstanding area fronting the existing building.

The site is within the Urban Area of Newcastle, an Area of Special Character, and close to the northern boundary of the Brampton Conservation Area as set out on the Local Development Framework Proposals Map. Certain trees on the site are also the subject of a Tree Preservation Order

The key issues for members to consider are:

- Is the principle of the development acceptable?
- Would the development adversely affect the character and appearance of the Brampton Conservation Area?
- Does the development have an acceptable impact on the character of the area with regard to the Protection of Special Character Area designation associated with the location?
- What are the highway safety implications and are they acceptable?
- Does the proposal have an acceptable impact on existing neighbouring uses?, and
- Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the proposal or do specific policies in the NPPF indicate development should be restricted?

Is the principle of the development acceptable?

The proposal is a form of specialist housing provision therefore it is appropriate to consider it in the context of the most up-to-date planning policies that refer to residential development.

The National Planning Policy Framework (NPPF) advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date this means unless material considerations indicate otherwise planning permission should be granted unless

- either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole,
- or specific policies in the Framework indicate development should be restricted.

The examples given of the latter such policies in the NPPF include designated heritage assets

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

The proposed building is in a sustainable location, close to public transport links and within a short walking distance of the Town Centre. There is a presumption in favour of this development, therefore, unless *either* any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal *or* specific policies in the Framework indicate that development should be restricted.

Would the development affect the character and appearance of the Brampton Conservation Area?

The site, whilst it lies opposite the Brampton Conservation Area, is not within it. The duty (on the LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area applies only to the development of land that is within the Conservation Area. Nevertheless saved Local Plan policy B10 refers, in the list of criteria to be considered in the ensuring that the preservation or enhancement of a Conservation Area is achieved, to the importance of considering whether important views within, into or out of a Conservation Area are protected. The NPPF refers to the need to consider the 'setting' of heritage assets.

The character of the Brampton Conservation Area is enhanced by the character of the surrounding area – including the trees and landscape along Sandy Lane. Whilst views are achievable into the site from certain locations within the Conservation Area, these are limited principally to views from the area of public open space at the northern end of the Conservation Area rather than from Brampton Road itself or its adjacent footways. The views are not planned or critically important views, and provided the trees on the site frontage will be maintained, that will limit any harm to the character of the adjacent Conservation Area.

In conclusion, provided these trees are retained, it is not considered that an objection on grounds of impact on the adjacent Conservation Area could be sustained.

Does the development have an acceptable impact on the character of the area with regard to the Special Character Area designation associated to the site?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 53 is supportive of policies that resist inappropriate development in residential gardens, for example where development would cause harm to the local area.

Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

Saved Local Plan Policy H7 states that in the designated Areas of Special Character, the Council will seek to preserve the unique character of these areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees.

As pre NPPF policies the weight to be given to these development plan policies is determined by the degree to which they are consistent with policies in the Framework. As indicated above they are consistent with the NPPF.

The properties in this part of Sandy Lane have a very open frontage and the two storey extension proposed will encroach significantly into this. The well set back line of development on the eastern side is a key characteristic of this area with isolated and limited exceptions – it is part of the unique character of the area.

The two storey building proposed replaces an open frontage and that will adversely impact upon the character of the area. The style of architecture proposed is markedly different from that of the existing building on site and surrounding properties but that contrast in itself is not considered to be harmful. However the size and position of the building is considered to be dominating and intrusive to the current attractiveness of Sandy Lane. That the scheme should have no impact upon protected trees and does not involve subdivision of the plot is acknowledged, but that does not mean it does not affect the unique character of the area. Efforts have been made by the applicant to reduce the height of the building which incorporates a green flat roof with solar panels into its design but the appearance of the scheme due to its position and relationship with Sandy Lane is considered to be visually harmful in this location.

Permitting the development would also set precedent for similar developments on adjoining sites, which cumulatively would also change the character of the area for the worse.

What are the highway safety implications and are they acceptable?

The most up to date planning advice within the NPPF states that development should only be prevented or refused on transport grounds only where the residual cumulative impacts of development are severe.

Sandy Lane is a C classified road with a speed limit of 30mph and it links to Brampton Road (A527) to the north and to King Street (A53) to the south.

Existing access arrangements are to be utilised which can provide adequate visibility for vehicles turning into and out of the site. As part of the works proposed the existing access arrangements will be improved by designating one entrance/exit for staff and visitors and one for service vehicles only. The increase in traffic generated by the proposal is likely to be of a low level as the majority of occupants are expected not to have a car and traffic movements will largely be associated to staff and visitors, the latter often visiting the premises outside of peak hours as is the case with respect to the existing function of the site. No concerns of any form have been raised by the Highway Authority about any increased use of the accesses.

The submitted plan drawings show that a total of 22 parking spaces for staff and visitors for the whole site would be provided (that is contrary to a higher number indicated (27) in the accompanying Transport Statement as appropriate). Policies within the Local Plan indicate a maximum requirement of 23 or 24 spaces. The Highway Authority have not objected to the proposal subject to the conditions outlined above which include the provision of an additional 3 spaces (making 25 in total) to make the level of off road car parking provided acceptable. It is considered that a figure of at least 24 spaces in total on the site could be achieved by better use of existing hardstandings adjacent to the existing buildings, rather than by enlarging the new parking area which might be of detriment to protected trees on the site (and unacceptable for that reason).

In summary there are very limited traffic generation implications and appropriate parking provision can be made.

Does the proposal have an acceptable impact on existing neighbouring uses?:

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Langley which adjoins the site operates both as a house and as a day nursery for children. The proposed building will directly overlook the substantial front and enclosed garden of that property. The windows in that part of the development closest to Langley have been orientated to face away somewhat from Langley itself. There will undoubtedly be a reduction in the perception of privacy currently enjoyed in this front garden but it would not be materially harmful to either the commercial nor the residential use. Langley would retain a private rear garden.

Situated between the St Quentin buildings there is a long intervening drive way leading to a residential property called Laurels. The driveway serving Laurels would also be overlooked by the development. However, as the private garden of the dwelling will be unaffected by the proposal that particular impact on privacy is not of a level to conclude an unacceptable relationship would be created upon those occupiers.

Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits or do specific policies in the NPPF indicate development should be restricted?

Given the conclusion reached with respect to the limited impact of the development upon the adjacent Conservation Area it cannot be said that specific policies in the NPPF indicate development should be restricted in this location – the H7 area is not a designated heritage asset as listed in the NPPF or similar to any of the other examples of such policies given in the NPPF footnote to paragraph 14..

A number of benefits have been advanced in support of the scheme. The primary one is the provision of specialist residential care facilities that are already much needed and will be even more so in the future when account is taken of demographic trends. Subsidiary arguments include that the scheme will assist with the viability of the residential home and the nursing home, but the evidence advanced to that end is limited. More generally the scheme adds to the provision of housing within the borough both in numeric terms and in terms of the variety of provision.

Set against these benefits is the harm to the character and appearance of the area. Your officers' view is that this is a clear and fundamental harm and that the development without doubt would

adversely affect the unique character of one of the few designated 'areas of special character' within the Borough. Policy H7 is consistent with the Framework and in particular paragraph 53 to which reference is made above. As such considerable weight can be attached to both the policy and to the conflict with it. This harm in your officers' view does for these reasons significantly and demonstrably outweighs the benefits of the proposal and accordingly it is recommended that the application be refused.

Background Papers

Planning File.
Development Plan.
National Planning Policy.

Date report prepared

24th September 2014