

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 12/01381/FUL	<b>Parish:</b>	Oswestry Town
<b>Proposal:</b> Erection of 2 No two storey extensions and highway visibility improvements		
<b>Site Address:</b> Llysfield Nursing Home 129 Middleton Road Oswestry Shropshire SY11 2LJ		
<b>Applicant:</b> Llysfield Nursing Home		
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	

**Grid Ref:** 330345 - 329535



**Recommendation:- Refuse.**

## Recommended Reason for refusal

1. Taking into account the local context and character, the scale and design of the proposed development is not considered to relate well to the surrounding area would create a cramped form of development having an adverse overbearing and oppressive effect on the residential amenity of adjacent occupiers. Furthermore the proposed loss of amenity space is considered to be unsatisfactory and will have an adverse impact on the amenities of adjoining occupiers and future occupiers of the development. The proposal would therefore fail to meet the requirements of adopted Policy CS6 of the Core Strategy and Government advice within the National planning Policy Framework.

**REPORT****1.0 THE PROPOSAL**

- 1.1 The application seeks permission for the erection of two extensions to an existing nursing home. One two storey extension would measure approximately 8.6 metres by 4.8 metres and would be attached to the eastern elevation of the southern section of the building.
- 1.2 The other extension (part singlestorey and part second storey) would measure approximately 9.8 metres by 5.1 metres at ground level and approximately 11 metres by 11.7 metres at first floor level. The ground floor section would be attached to the north eastern corner of the existing building and would have a flat roof. The first floor section would be immediately to the south of the ground floor section on top of an existing single storey section of building.
- 1.3 The maximum eaves height would be approximately 8.6 metres and the single storey sections would have a maximum eaves height of approximately 4.7 metres.
- 1.4 The application also proposes improvements to visibility for the existing access.
- 1.5 The application has been revised on two occasions in order to try and minimise the impact on an adjoining property.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The existing building is Llysfield Nursing Home, a reasonably large two-storey building located within a residential neighbourhood of Oswestry. The town centre is approximately 1 kilometre to the west.
- 2.2 The development site is completely surrounded by residential development and Middleton Road, from where access is gained, is situated to the south. There is an

existing dwelling immediately to the north of the nursing home which shares an access with the nursing home and has vehicular access to the west of the home.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Area Planning and Building Control Manager considers that the material considerations relating to this proposal are complex and to some degree subjective warranting consideration by the appropriate Planning Committee.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

4.1.1 **Drainage:** No objection. The majority of the extension is built over the existing building and there is little increase on the footprint of the building.

4.1.2 **Public Protection:** No objection.

4.1.3 **Highways:** In principle no objection. The submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists. With regards to the access, visibility in a westerly direction is restricted.

#### **4.2 Public Comments**

4.2.1 There have been 4 public comments of objection. The grounds for objection are summarised below.

- A loss of light for neighbours may result.
- Overlooking and a loss of privacy for neighbours may result.
- The development would be overbearing on neighbouring properties.
- There are highway safety concerns.
- The access is unacceptable.

4.2.2 **Oswestry and District Civic Society:** Llysfield is the only nursing home for older people in Oswestry. Therefore the need for development is accepted. However, the development should be carried out as sensitively as possible to accommodate the views of neighbours.

### **5.0 THE MAIN ISSUES**

**Principle of development**

**Siting, scale and design of structure**

**Visual impact and landscaping**

**Traffic and parking implications**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Policy CS11 supports the provision of housing for vulnerable people and this would include care home developments.

6.1.2 Policy CS6 requires all new development to be high quality using sustainable design principles and taking into account water use, climate change, traffic generation, accessibility and communities. Furthermore the policy requires all development to protect, restore, conserve and enhance natural, built and historic environment.

6.1.3 The Supplementary Planning Document (SPD) advises that provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided. It also supports conversion of existing buildings and extension to existing buildings to provide new care homes providing they are sympathetic to the character and appearance of the existing building, provide satisfactory level of parking, service areas and external amenity space for the occupants of the home

The principle of extending the existing facility on this site is acceptable subject to all other material planning considerations being satisfied

### **6.2 Siting, scale and design of structure**

6.2.1 The proposed two storey extension to the eastern side of the southern part of the existing building is considered to be acceptable and will not have any adverse implications for either the appearance of the building as a whole or the amenity of any adjoining occupiers. It will however in itself generate additional additional capacity and therefore in traffic movements and parking requirements proportionately.

6.2.2 The other proposed extension would comprise a substantial addition at first floor to an existing single storey part of the building as well as a new single storey flat roofed extension at the northern end. It would significantly increase the overall bulk of the building and would extend the two storey element that is nearest to the neighbouring property (which is in separate ownership) to the north.

6.2.3 Because the proposed extension would be immediately to the south of the neighbouring property which has its primary elevation facing in a southerly direction the impact on that property is likely to be significant. This is true in terms of potential impact on daylight/sunlight to that property and the outlook from it. These concerns have been identified to the applicant and further revisions sought to the proposal but these have not been forthcoming.

6.2.4 It is considered by officers that the proposed extension would have an

unacceptably severe impact on the residential amenity of adjoining occupiers both in terms of the potential loss of light and in terms of the extension being unacceptably overbearing when viewed from the front of the neighbours property.

### 6.3 **Visual impact and landscaping**

6.3.1 In addition to the concerns above, although only minimal in terms of the overall footprint of the building, the single storey element of the proposed extension will take up additional amenity/circulation space around the building adding to an overall cramped appearance and feeling of overdevelopment given the curtilage to the property.

### 6.4 **Traffic and parking implications**

6.4.1 The application site has direct access onto Middleton Road which in terms of the current traffic flow and its alignment and it is considered that the likely traffic associated with the proposal can be satisfactorily accommodated.

6.4.2 The submitted details whilst show an increase in parking provision has not demonstrated / justified that the provision is satisfactory and in line with parking standards. Concerns were previously raised in relation to the restricted visibility splays afforded to the site available. The splay across the frontage in the easterly direction is acceptable but the visibility in a westerly direction remains restricted and will need further improvement to the extremity of the site road frontage by the setting back of the boundary wall.

6.4.3 Having considered the above whilst in principle no objection raised the submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists and the access, visibility in a westerly direction is restricted contrary to policy CS6 of the Shropshire Core Strategy

## 7.0 **CONCLUSION**

Taking into account the local context and character, the scale and design of the proposed development is not considered to relate well to the surrounding area ,would create a cramped form of development having an adverse overbearing and oppressive effect on the residential amenity of adjacent occupiers. Furthermore the proposed loss of amenity space is considered to be unsatisfactory and will have an adverse impacts on the amenities of adjoining occupiers and future occupiers of the development .

Whilst in principle no objection is raised the submitted transport statement does not contain adequate information demonstrating the adequate provision of parking. There is not adequate provision for cyclists and the access, visibility in a westerly direction .

It is recognised that the proposal will deliver additional care accommodation however the benefits of the scheme are not outweighed by the harm identified and as such the proposal is considered to be contrary to policy CS6 of the Shropshire Core Strategy.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- ☐ The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee

members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

OS/02/12143/FUL Proposed extension and internal alterations GRANT 13th August 2002

PREAPP/11/01490 Proposed Extensions PREUDV 18th November 2011

12/01381/FUL Erection of 2 No two storey extensions and highway visibility improvements PDE

14/01244/FUL Erection of front porch and access ramp GRANT 14th May 2014

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr Martin Bennett  
Cllr Peter Cherrington

Appendices

None