

Development Management Report

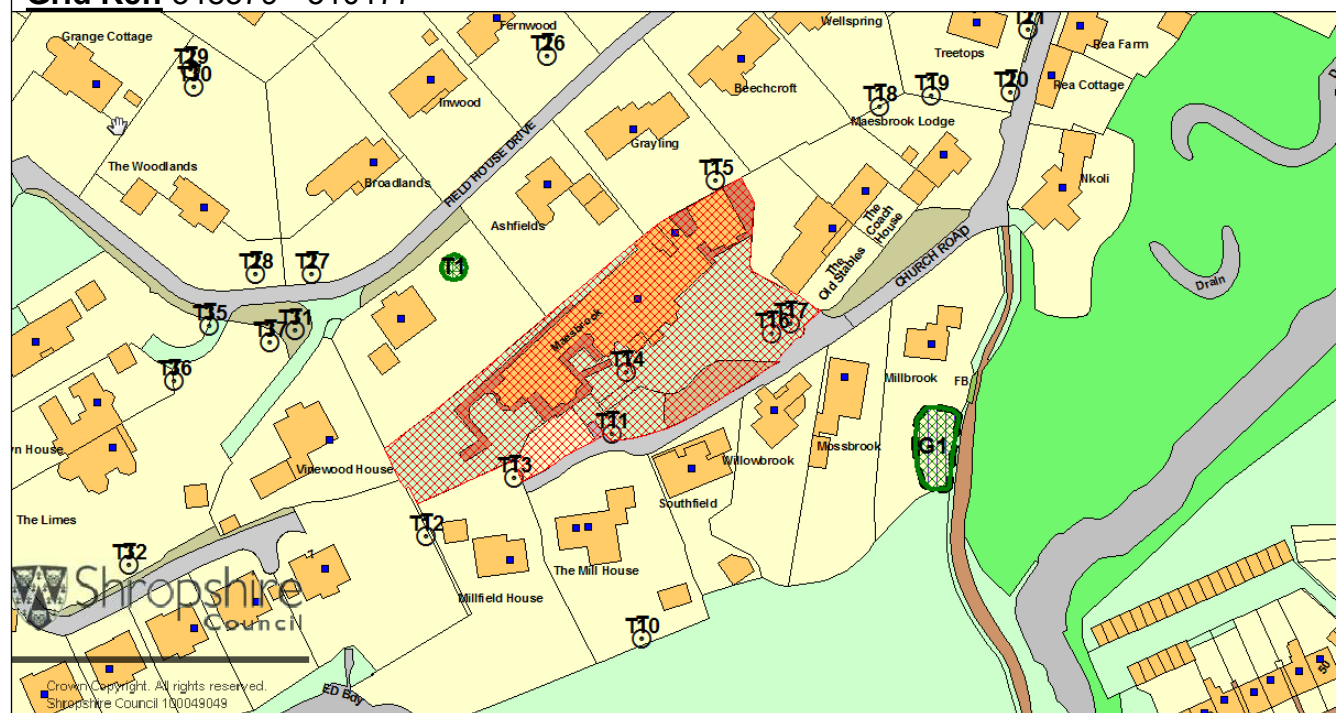
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/01132/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised)		
<u>Site Address:</u> Maesbrook Nursing Home Church Road Shrewsbury SY3 9HQ		
<u>Applicant:</u> Maesbrook Nursing Home		
<u>Case Officer:</u> Shannon Franklin	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 348379 - 310177



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Recommendation:- The application is approved subject to the conditions set out in Appendix 1.

ADDENDUM TO REPORT

The application was previously considered by members at the central committee dated 9th May 2019 at which it was decided that consideration of the application be deferred to a future meeting of this Committee to allow for information to be provided in relation to the impact of the development on the protected Copper Beech tree in an adjoining property.

Since this date the applicant has provided an Arboricultural Impact Assessment Method Statement and Tree Protection Plan. The statement confirms that subject to the imposition of appropriate protective measures, the proposed development can be implemented without significant harm to the Copper Beech Tree to the north of the site considered by Members, together with other trees in the wider site setting, including those subject to Tree Preservation Orders, and no loss of any protected trees will occur.

The SC Tree Officer has reviewed this document and provided the following comment:

I have reviewed the submitted arboricultural details and consider that, providing all tree protection measures identified in the Arboricultural Method Statement are implemented through-out the proposed development, there will be no significant impact to any retained tree.

I would recommend the following condition be attached to any grant of planning permission:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Arboricultural Method Statement and Tree Protection Plan forming part of the Arboricultural Report dated 15th May 2019 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

As Members deferred the determination of the application for the sole reason as to consider the impact of the development on the protected Copper Beech tree to the north of the site within and adjoining property, and no objection has been raised by the SC Tree Officer and the additional information requested provided, resultantly, the Officers recommendation for approval has not altered. Officers therefore recommended that the scheme is approved in line with the contents of the original report below save for the addition of an additional condition at Appendix 1 as suggested by the Tree Officer.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for a revised scheme resulting in the erection of first floor extensions to the northeast part of main building to create three additional bedrooms; a link corridor to these additional bedrooms with an increase in height of roof and insertion of additional windows.
- 1.2 A scheme seeking the same works in principle; three additional bedrooms and a link corridor, was permitted in decision notice 17/05387/FUL on 15th March 2018 however, following consultation with the building regulations the applicant is now required to provide an internal fire escape staircase and increased head height. The application therefore seeks a raised ridge height on the approved extension to the 'annex' roof together with a fire escape from the first floor link bridge to a new ground floor entrance hall, together with an increase in the zinc roof line height to the third bedroom and corridor.

2.0 PLANNING HISTORY

- 2.1 The site has an extensive planning history, the key applications of which are highlighted below:
- SA/89/0571 – granted planning permission for the conversion of the original building from a private home into a nursing home including provision of a single storey extension to the rear (northwest) elevation.
 - SA/97/1151 – granted planning permission for the erection of a single-storey building linked to the main building providing four additional bedrooms. This building is located to the northeast side of the original building and is known as the 'annex' and is the main portion of the building on site affected by the current application.
 - SA/07/1620/F – granted a two-storey extension providing additional bedrooms and communal space. This extension is to the southwest elevation of the original building.
 - 17/05387/FUL – granted planning permission for a first-floor corridor link and three additional bedrooms in the roofspace of the 'annex'.
- 2.2 A number of other applications permitting smaller scale extensions and alterations including the provision of fire escapes and conservatories have also been granted on site. The building currently on site utilised as a residential nursing home comprises of 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities such as a kitchen and laundry. A further three bedrooms are permitted under application 17/05387/FUL; the application which this scheme is seeking to revise, but have not yet been constructed.

3.0 SITE LOCATION/DESCRIPTION

- 3.1 The application relates to Maesbrook Nursing Home which is located in the area of Meole Village approximately 2.4km to the south of Shrewsbury town centre. The building is situated to the southern end of Church road, a narrow lane serving the site and other residential properties. The building has been extended to both the northeast and southwest sides together with extensions to the rear (northwest) elevations throughout the 30 years it has operated as a nursing home
- 3.2 The nursing home is roughly formed of three parts; the annex building, the original building and an extension granted planning permission in 2007. To the southwest the site has a patio and lawned garden area and to the south elevation there is a car park split into two levels formed of sealed tarmac. The site is accessed via Church Road and is bounded in all directions by detached residential dwellings in both single and two storey formats and of varying ages and design styles.

4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 4.1 The application does not comply with the delegation to officers as set out in Part 8 of the Council Constitution as the Local Member has requested that the application be determined by committee within 21 days of being notified of the application. Resultantly the Area Planning manager together with the Chair and Vice Chair of the committee have discussed the application and the reasons for the Local Member 'call-in' and confirmed that a decision via committee is appropriate.

5.0 COMMUNITY REPRESENTATIONS

5.1 - Consultee Comments

5.1.1 Shrewsbury Town Council – 11.04.2019 - Objects

The Town Council objects to this application on the following grounds:

- Being mindful of the fact that the Nursing Home is set in a prominent location within the Meole Brace Conservation Area, the style chosen neither enhances nor preserves the area.
- The building is of particular historical importance and the Council regards the link building is of an unsympathetic design within its context and is not in-keeping with the existing building and its historical context.
- Members consider the proposed extensions overdevelopment of the site and the overlooking windows impact on the privacy of the neighbouring properties.
- Increasing the capacity of the Nursing Home will exacerbate the current traffic problems particularly congestion around the narrow streets of Church Road.
- Members request that it be investigated as to whether the planning conditions set by Shropshire Council within previous applications have been met; particularly conditions regarding scale of the facility and bed numbers, extraction from the laundry and treatment of sewage.

- The Town Council requests that the Central Planning Committee consider this application.

5.1.2 **Shropshire Fire and Rescue – 19.03.2019 – No objection**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

5.1.3 **SC SUDs – 14.03.2019 – No objection**

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally. Informatives are recommended

5.1.4 **SC Conservation – 26.04.2019 – No Objection**

The application site is located some distance outside of and to the south west of the southerly extent of the Meole Brace Conservation Area. The property is occupied by what was originally built in the early 20th Century (sometime between 1902 and 1927 according to historic OS mapping editions) a large red brick villa ('Maesbrook'), but more recently which has been occupied by a nursing home, and with more modern extensions to the easterly end of the main building being added.

The subject application appears to increase the height of the easterly-most modern extension to two storeys while also modifying and expanding the link feature which joins the earlier building to the modern extension. Having considered the proposal, on heritage grounds there is no objection raised to the alterations associated with the height increase of the extension as shown on the plans as in itself it would retain a visual detachment from the earlier traditional villa building. Some consideration of modifying or reducing the scale of the extensions/alterations proposed to the link feature however may be warranted in order to maintain a more visually clear distinction between the original/earlier and the new buildings – the link feature as submitted appears somewhat visually awkward in its proposed form and design and may represent overdevelopment of the site in light of potential impacts on the original/early villa occupying the site.

Due regard to CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, and Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018) is required on this application, where some revisions to the scheme may be required to satisfactorily address issues of good design in the context of the site.

5.2 **- Public Comments**

5.2.1 The residents of fifteen neighbouring properties were individually notified by way of

publication of this application. At the time of writing this report, six individuals had submitted representations objecting to the scheme. These representations cite the following reasons for their objections:

- Continued conflict between the nursing home, its visitors and the immediate neighbours;
- Objections to previous applications have been overridden by planning officers;
- Overlooking caused by proposed rooflights, windows and doors;
- Issues with the existing drainage network;
- The site does not comply with its existing conditions and is therefore overdeveloped;
- There is no provision for additional car parking for visitors;
- Visual impact on the area and outlook from neighbouring dwellings;
- Narrow lane serving the site has exiting highways issues which will be worsened by the proposal;
- The external first floor area could become a staff smoking area;
- Significant increase in height from the original approval impacting neighbours through overshadowing;
- Use of the site is commercial and therefore not compatible with neighbouring residential dwellings;
- The holly hedge to the north and the ecological specimens it houses will be impacted by the scheme;
- There is an existing level of noise, intrusion, light pollution and smell from the property which will be exacerbated by the proposal.

6.0 THE MAIN ISSUES

- 6.1
 - **Principle of development**
 - **Siting, scale and design of structure**
 - **Visual impact and landscaping**
 - **Other issues**

7.0 OFFICER APPRAISAL

7.1 Principle of development

7.1.1 The principle of development to provide three additional bedrooms at the property has already been established through the granting of planning application referenced 17/05387/FUL. This application permitted an increase in the roof height of the 'annex' building from 5.6m at the ridge to 7.4m and enabled a first-floor link corridor and additional bedroom to be provided in the form of an extension to the original building on site.

7.1.2 This current application seeks to provide an internal fire escape staircase and raise the ridge height of the 'annex' further and raise the approved height of the zinc

roofed link corridor and first floor bedroom. These changes are required in order for the proposed bedrooms and corridor to be compliant with buildings regulations and therefore implementable and useable as additional bedrooms.

- 7.1.3 Officers are therefore considering whether the alterations between the existing approval and the proposed revised scheme are acceptable. The provision of three bedrooms is acceptable and is not disputed in principle.
- 7.1.4 The primary policies under which the application is to be considered are therefore related to design and appearance. Policy CS6 of the Shropshire Core Strategy states that while extensions and alterations to existing properties are acceptable, development should conserve and enhance the built environment and be appropriate in scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.
- 7.1.5 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible and Section 12 of the National Planning Policy Framework – Achieving well designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.
- 7.1.6 MD13: Historic Environment and CS17: Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.

7.2 Siting, scale and design of structure

- 7.2.1 The application seeks planning permission for a revised scheme of works to provide a first-floor extension comprising of a link corridor, an extension to provide an additional bedroom at first floor level and alterations to an existing roof space to create two further additional bedrooms. All three bedrooms sought will have an en-suite. The permitted scheme is not compliant with building regulations requiring a fire escape and increased headroom at first floor level. The current application therefore seeks the following alterations between the permitted scheme and the proposal:
- Increase in the height of the roof to the 'annex' resulting in a ridge height of 8.1m and an eaves height of 4.6m;
 - Increase in height of the zinc flat roof to 6.2m at its highest point;
 - Provision of an internal staircase with a catslide roof culminating in an entrance porch and ground floor level;
 - Provision of 6no. roof lights as opposed to the approved 4no;
 - Provision of two windows; one to each bedroom, which are to be obscure glazed fixed shut to the the northeast elevation within a new gable feature of the roof;

- Provision of an entrance ramp to the southeast elevation of the annex.

7.2.2 Firstly, in considering the alterations to the roof heights Officer's recognise that the existing ridge height to the 'annex' is 5.6m, the approved height is 7.4m and that the proposal seeks a ridge height of 8.1m. This alteration has a corresponding impact on the eave's height of the building such that it increases to 4.6m. The flat roofed zinc corridor has an approved roof height of 5.0m and the first-floor bedroom 6.7m which will increase to approximately 6.2m and 7.0m in height.

7.2.3 The increases in height across the proposal from that approved to the proposal are modest and will not result in a significant negative impact or alteration in the bulk and visual appearance of the building. The zinc roof portion will remain subservient to the main building terminating below the eaves of the original building and the increase in height of the 'annex' will not be experienced as significant due to the use of a hipped roof. The gable proposed to the northeast elevation of the hipped roof will again demonstrate subservience to this portion of the building and is in proportion with the existing features of the building such as the entrance porch.

7.2.4 The additional fire escape required to meet current building regulations will result in a catslide roof extending from the first floor down to the new entrance door to this portion of the building. As a result an addition 17.8m² of internal space will be created in an alcove between the 'annex' and the original building which is currently laid to tarmac hardstanding and serves no designated function within the site layout. The southeast elevation of this stairwell will be set back from the principal elevation of the main building and due to the roof profile and its siting between the two building components it is not considered that this feature will appear prominent. The inclusion of this link feature and catslide roof is supported from a heritage perspective as it ensures that the more modern extension on the 'annex' remain separate to the main building, a red brick villa built in the early C20th.

7.2.5 Finally, in response to the additional rooflights proposed no concerns over their siting are identified at this stage given that they will be within the roof slope and are of an appropriate size commonly found within residential dwellings in the neighbouring properties. The scale and profile of the gable to the northeast elevation is considered to be acceptable as it is subservient to the main roof structure and the windows within it, which have been revised from the original submission, are also considered to be of an acceptable size and siting. The impact of this addition on neighbouring residential amenity is discussed below.

7.2.6 On balance, while it is recognised that the alterations necessary to obtain building regulations compliance at the site will increase the height of the approved building and result in a small increase in floor area, given the existing approval on site and the siting of the extension within the plot it is not considered that the differences will result in significant concerns over the siting, scale or design. The scale of the enterprise will not alter from that previously approved and is therefore not considered to represent overdevelopment of the site, contrary to public comments received and therefore on this basis it is not considered an objection could be upheld and the proposal is therefore considered to be acceptable.

7.3 Visual impact and landscaping

- 7.3.1 The alterations relate solely to the northeastern end of the building, the 'annex' building and the immediately adjoining portion of the original building. The later 2007 extension to the southwest is unaffected by the scheme. The portion of the building to which the application primarily relates is not clearly visible from the nearest public viewpoint, Church Road, due to the site boundaries and the mature holly hedge and trees to the shared boundary with the neighbouring dwelling, The Old Stables. In particular the orientation of the 'annex' to the main building ensures that the link corridor and first floor bedroom is almost entirely screened from this angle.
- 7.3.2 The existing 'annex' uses a hipped roof which will be raised by an additional 0.7m above the existing approval as part of the application. Additionally, a flat roof, formed of zinc; again increasing in height from that previously permitted, and a catslide roof to the fire escape stairwell; an entirely new aspect of the revised scheme, have the potential to be glimpsed from points along the public highway.
- 7.3.3 Considering the scope of the works, the existing approval and the existing screening in place it is not considered that any significant visual impact will arise when viewing the proposal from the nearest public viewpoints. The revised scheme of alterations will be seen in context with the existing building which has undergone a number of changes and alterations such that more modern additions do not appear out of character, and the link feature and catslide roof ensure a clear distinction between the original building and the more modern annex and its associated alterations. This is considered to be an appropriate solution from a heritage perspective given the age of the original building and the desire to maintain its original frontage.
- 7.3.4 The site is not located within the boundaries of a Conservation Area and the nearest boundary to the Meole Brace Conservation Area is a sufficient distance from the site that no impact upon its character is considered to arise. Similarly, there are no public footpaths affected by the proposal due to their distance from the site and the existing residential properties sited between the footpaths and the development site.
- 7.3.5 Neighbouring residents; primarily those located at The Old Stables and Grayling will be able to see the proposed alterations from within the curtilages to their properties. There may also be some views of the proposal from windows in the upper storeys of these dwellings. Given the existing arrangement and views of both the ground floor flat roofed extension to the northwest (rear) elevation, an existing pitched roof linked corridor and the hipped pitch roof of the 'annex' building it is not considered that the proposal will have a significant negative impact on these properties in terms of their visual outlook. The development will not encroach any close the these neighbouring properties of their shared boundaries further minimising the visual impact and prominence.
- 7.3.6 The proposal will utilise a mixture of non-traditional materials including larch timber cladding and natural slate together with sedum and zinc roofing. Not all of these materials are commonly found within the locality nor are they all present on the existing building however they were permitted for use as part of the previous application and it is not considered that they will result in an unacceptable visual

impact.

7.4 Residential Amenity

- 7.4.1 The application will introduce 3no. additional bedrooms at a first-floor level to the existing premises as per the previous permission granted on site (Ref: 17/05387/FUL). When considering the impact on residential amenity on neighbouring occupants, together with the occupants of the proposed residential accommodation sought, overshadowing, overbearing and overlooking must be taken into account.
- 7.4.2 In terms of overlooking caused by the works to the 'annex' portion of the building it is not considered that the proposal will have any significant impact to neighbours as it utilises rooflights within the roof slope to the northwest and south east elevation of the hipped roof and obscure glazed window to the north-eastern elevation. Within the hipped roof structure there are two windows located in the rear and two in the front elevation, all at first floor level. These windows will be opening but will not provide a clear outlook into neighbouring gardens or properties due to their siting, therefore any overlooking concerns are minimal. Therefore these windows, which are to be of a conservation style, are not considered to have a significant negative impact on the privacy of the neighbouring residents at The Old Stables or the other surrounding dwellings due to the orientation, roof pitch and size of the windows.
- 7.4.3 A small gable is included to the northeast elevation which will contain two windows approximately 600 x 600mm in size. These windows are to be obscure glazed fixed shut so that no views in this direction are available to the occupants of the room. On balance it is therefore considered that the impact of these windows on neighbouring residential amenity will be limited, offering no outlook towards the rear garden of The Old Stables.
- 7.4.4 The door forming a 'juliet' style balcony; serving the additional bedroom created at a first-floor level and attached to the main building, will look towards the annex and will be orientated such that there are no clear views from the window towards existing neighbouring properties or their curtilages. The additional window to the rear (north) elevation of the first-floor link will look north-northwest towards the residential dwelling Grayling, this window will be approximately 27.0m from their rear elevation and is not considered to impact upon their privacy significantly given the existing first floor windows of the nursing home in place and the distances involved.
- 7.4.5 The additional first floor bedroom attached to the main building and the first-floor link corridor will have an increase roof height as part of this revised application, approximately 300mm above the original approval. Given the limited increase in height of this portion of the building, together with the distances from the nearest elevations of neighbouring buildings; 21.9m from the nearest rear elevation of Grayling, 24.5m from the nearest rear elevation of Ashleigh, this portion of the development is not considered to be experienced as overbearing to neighbours nor will it impact overshadowing of the neighbouring properties.
- 7.4.6 It is accepted the increase in ridge height of the 'annex' annex to 8.1m at the ridge utilising a hipped roof, will increase the overshadowing caused by this portion of the building however, the hipped roof design minimises the shadow as much as

possible and any shadow will predominantly fall on land within the applicant's ownership or on land already impacted by the existing arrangements or the mature tree and hedge planting separating the development site from the neighbouring property The Old Stables. It is not considered that the increase in overshadowing caused by the development is sufficient to constitute a reason for refusal, particularly when considering the existing approval for a roof of a similar profile only 700mm lower.

- 7.4.6 In considering whether the proposal will be overbearing on the neighbouring properties officers consider that no issues will arise as the footprint of the development will not encroach any closer to the neighbouring properties and the proposal will not be situated directly on a shared boundary. The heights and profile of the revised scheme, although increased in places will not significantly alter the experience of existing residents and will not result in a demonstrable negative impact to neighbouring resident's amenity.

7.5 Other Issues

- 7.5.1 The neighbouring residents have raised concerns regarding the number of bedrooms and the impact on car parking at the site. It is necessary to clarify that an existing planning permission 17/05387/FUL has granted an additional three bedrooms on site and within the report, Officers concluded that on balance the increase in bedrooms would not have a significant impact upon the highways network or result in overdevelopment of the site, sufficient to warrant refusal of the scheme. This current proposal seeks a revised scheme to enable the three bedrooms previously approved and their access to be building regulation compliant.
- 7.5.2 The nursing home on site currently on site currently comprises 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities. A further three bedrooms are permitted under 17/05387/FUL application but have not yet been constructed. Therefore, a development on site comprising of 45 bedrooms and 48 residents has already been accepted in principle, the application does not seek to alter this position.
- 7.5.3 While it is noted there is a condition on a previous approval (SA/07/1620/F) at the site which reads as follows:

"There shall be no more than 37 bedrooms in the combined existing and extended building as granted by this permission and no more than 42 residents shall occupy the combined existing and extended building at any one time.

Reason: In order to ensure that the site is not overdeveloped."

And residents consider this should be implemented again and enforced, a similar condition of this nature cannot be placed on this subsequent decision as the previous reasoning is not sufficient to meet with current legislation and would fail the condition tests set down in the National Planning Policy Guidance. In reality the

concerns of 'overdevelopment' of the plot relates to the potential impact on parking which will not alter from the previous approval.

- 7.5.4 As per the previous application, in considering the effect of the increase on the current parking and access arrangements, it is accepted additional visitors will visit the site however, the increase in residents and bedrooms will not require any additional staff to be on site. The site has up to 26 car parking spaces available; 22 on the upper level in front of the main building and an additional 4 at the lower level accessed directly from Church Road, depending on vehicle size, and it is not considered that visitors to 3no. additional residents would have a significant cumulative impact on this arrangement. The narrow lane and requirement to pass a school on the route to the site is recognised by does not alter the consideration of Officers that the site is acceptable from a highway's perspective. The site is located in a town centre location where the use of public transport to reach the site is possible and is therefore broadly sustainable.
- 7.5.6 The footprint of the building will be increasing slightly as a result of the internal fire escape to be created to the southeast elevation however this will not encroach into the existing area of parking and therefore the arrangement outlined above will remain unchanged.
- 7.5.7 In order to ensure adequate parking on site is retained for staff and visitors visiting both the current and additional occupants, and on street parking within the locality which would negatively impact on the character of the setting is kept to a minimum, an appropriately worded condition will be imposed on any grant of planning permission. This condition will address the primary concern over the plots 'overdevelopment' i.e. parking.
- 7.5.8 Neighbouring residents have also highlighted issues with the existing foul drainage capacity at the site. The application seeks to introduce 3 additional bedrooms to the property each with an en-suite bathroom. The increase in demand on the site drainage capacity will therefore be consummate to three persons. The increase in flows associated with this number of residents is not considered to significantly alter the demand of the site and the drainage scheme implemented would be dealt with in more detail at building regulations stage. While Officers recognise there may be issues on site with drainage capacity in the locality, this is considered to be a civil matter which is not controlled by the planning regime, therefore regrettably the level of increase in the use of the existing drainage system is not sufficient to justify alterations or refusal of the scheme.
- 7.5.9 As advised during the most recent application on site, in examining the site, its access arrangements and the existing development in place, officers consider no further acceptable opportunities for extension or alterations to provide additional accommodation are available and therefore the demand on foul drainage and on car parking is unlikely to increase further for the lifetime of the development.
- 7.5.10 Officers have taken into account the previous planning permission on site and the alterations sought as part of the current revised scheme. While the comments of neighbouring residents have been taken into account, Officers do not consider that any of the issues raised are sufficient to warrant refusal of the scheme. The scale

of the proposal is proportionate to the existing building on site, the harm to visual impact will be limited and the impact on neighbouring residents' amenity through overshadowing and overlooking is not considered to significantly alter from the existing position, nor that of the existing approval. Officers therefore consider that on balance the scheme should be approved subject to appropriate conditions in relation to the windows to the first-floor northeast elevation and the parking provision on site.

8.0 CONCLUSION

- 8.1 On balance it is considered that the cumulative impact of the development on the site and the surroundings does not have a demonstrable impact sufficient to warrant refusal of the scheme. The works are judged to be in scale and character with the existing building, of no demonstrable harm in terms of visual impact and the amenity of neighbouring residents is considered to be preserved. As such the proposal is in accordance with the determining criteria of the relevant policies including CS6 and CS8 and as such approval is recommended.

9.0 Risk Assessment and Opportunities Appraisal

9.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than six weeks 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.

9.2 Human Rights

Article 8 gives 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.

9.3 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 1990.

10.0 Financial Implications

There are likely financial implications if 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 dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design
CS17 - Environmental Networks
National Planning Policy Framework
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

10/03563/DIS Discharge of condition 5 part iii (obscure glazing) and conditions 7 and 8 (drainage) attached to planning application ref. SA/07/1620/F GRANT 12th October 2010

10/03832/AMP Proposed Non-Material amendment to previously approved planning permission Ref SA/07/1620/F GRANT 24th September 2010

10/04193/FUL Provision of ramp to enable disabled access from lower garden to upper garden and retention of existing temporary wooden wheelchair accessible ramp from car park to building (Amended Description) GRANT 11th April 2011

12/02339/FUL Erection of an additional fire escape stair at rear GRANT 16th July 2012

PREAPP/14/00028 Proposed erection of a single bedroomed bungalow in association with the care home and formation of new car parking area PREUDV 19th February 2014

17/05387/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights GRANT 15th March 2018

19/01132/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised) PCO

SA/89/0571 Conversion of existing private dwellings into private nursing home. Construction of a single storey flat roof extension to provide kitchen and laundry facilities. Erection of a first floor external fire escape staircase. PERCON 10th October 1989

SA/96/0213 Erection of an extension to provide enlarged dining room. PERCON 4th April 1996

SA/07/1620/F Erection of a two storey extension to side providing additional bedrooms and communal space PERCON 7th March 2008

SA/07/1140/F Erection of first and second floor extension to rear and erection of a conservatory WDN 2nd October 2007

SA/02/0380/F Erection of an external Escape Stairway and door, and installation of new dormer window on second floor. PERCON 23rd May 2002

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)
Cabinet Member (Portfolio Holder) Cllr G Butler
Local Member Cllr N Laurens
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The 26no. car parking spaces currently provided on site; 22no. on the upper level and 4no. on the lower level, shall be retained in perpetuity.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

5. The windows in the first-floor gable to the northeast elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of adjoining properties.

6. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any

approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Arboricultural Method Statement and Tree Protection Plan forming part of the Arboricultural Report dated 15th May 2019 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

4. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.