

MC/15/1595

Date Received: 11 May, 2015

Location: 1 Parsonage Lane, Strood, Rochester, ME2 4HP

Proposal: Construction of a single storey modular building to be used as assisted living care facility

Applicant: The Regard Partnership

Agent: Mr M White White & Lloyd Second Floor Suite Quadrant House
7-9 Heath Road Weybridge, Surrey KT13 8SX

Ward Strood North

Case Officer Matthew Pinder

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 December 2016.

Recommendation - Approval with Conditions

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

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

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

Drawing No's 102-07-100, 101, 202 and 401, received 11 May 2015; and Drawing No. 102-07-201 Revision 'D', received on the 2 November 2016.

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

- 3 Upon completion of the 300mm raft slab, details of all materials and coloured finish of the outbuilding shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in

accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 All works carried out on site shall be carried out in accordance with the recommendations and tree protection measures set out within the submitted "Arboricultural Impact Statement, Arboricultural Method Statement and Tree Protection Plan" (Ref. AIS/AMS_Report 01. Orchard View, 1 Parsonage Lane, Strood, Kent, ME2 4HP), Drawing No. Tree Protection Plan TPP 1.1 and Drawing No. Post Construction Plan PCP.1.1 dated the 21 October 2016.

Reason: In the interests of tree protection in accordance with the provisions set out within Policy BNE43 of the Medway Local Plan 2003.

- 5 In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained 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 shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 The building hereby approved shall be used only as an assisted care facility and used only in association with the use of the main dwelling and shall not be privately let and shall not benefit from a separate address point or sold off as a separate dwelling unit in its own right.

Reason: To ensure that the development does not prejudice conditions of amenity.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks full planning permission for the construction of a single storey modular building to be used as assisted living care facility within the grounds of an existing care home.

The unit would measure approx. 3.7m to ridge height, 3.6m deep and 9.6m wide.

Relevant Planning History

MC/14/3237	Construction of a first floor side extension and alterations to second floor level to include construction of three dormer windows to provide additional living accommodation within roof space. Approval With Conditions, 29/12/2014.
MC/13/3122	Construction of part two storey part single storey extensions to front and rear. Approval With Conditions, 24/01/2014.
ME/98/0373/MR	Application for the removal of condition 09 on planning permission ME/91/0389 (this permission shall ensure only for the benefit of "The Bolly Programme for Children" and shall not ensure for the benefit of the land or any other persons for the time being having an interest therein). Temporary Approval, 13/01/1999
92/0297	Erection of a detached annexe to residential care home to provide three one-bedroomed units. Approval with Conditions, 09/06/1992
91/0778	Single storey rear extension with formation of additional parking spaces. Approval with Conditions, 14/11/1991
91/0389	Change of use from residential to a children's home (C2) and small extension with change of use of garages. Approval with Conditions, 09/07/1991
91/0155	Change of use of property from residential to children's home (Class Cs) and single storey rear extension to garage. Refusal, 30/04/1991

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Frindsbury Extra Parish Council has also been consulted on the proposal.

Frindsbury Extra Parish Council objects to the application. Members consider it is inappropriate within the curtilage, is setting a precedent and is taking part of the garden area up. The Parish Council requests that the application is determined by Committee and not under delegated powers.

Three letters of representation have been received, raising the following objections to the proposal:

- The proposed development is much more than minor works;
- Concerned that a person with learning difficulties is to be housed at the bottom of the garden, away from the main building, without constant care;
- The level of noise and disturbance experienced by neighbours would be further exacerbated if the application is allowed;
- Precedent would be set to allow them to apply for further/additional units;
- The staff on site cannot cope with the residents they have, let alone deal with additional numbers;
- Concern over impact on trees;
- The application states that there are eight parking spaces, but no one uses these, people just park on the road;
- The development would be obtrusive as it is proposed to locate it to one side of the property;
- One of the windows would overlook neighbouring gardens;
- It is not clear how the unit would be connected to the mains sewer/drainage.

Members may recall the application being reported to Planning Committee on the 26 August 2015, when it was determined to defer for further clarification of issues. Following the submission of revised details on 20 November 2015, the application was re-advertised on the 24 November 2015.

Two letters of representation have been received raising the following objections to the proposal:

- A feeling that this is more than just 'minor new works'.
- Parsonage Lane was once a peaceful, tranquil residential area.
- The granting of permission would set a precedent.
- The level of noise and disturbance experienced by neighbours would be further exacerbated.
- The applicant should also have consideration for existing residents who are vulnerable young adults with a variety of complex needs.
- The staff are already compromised in what they can manage adequately with the resources available.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

Local Plan Policy H8 refers specifically to the provision of residential institutions, setting out that such use is acceptable, subject to certain criteria, which include the impact on residential amenity, the provision of amenity space and adequate parking provision. The main building, 1 Parsonage Road, is currently used as a care-home and the proposed building would be used as an assisted-living care facility for adults with learning difficulties and would allow for additional capacity for the site's existing use. It would enable an occupant to maintain some level of independence (the building would accommodate a bedroom, bathroom and kitchen/dining area), whilst being close enough to the main premises in case assistance or help is required. The occupant would be unable to manage without this full-time care facility being provided. The building would be used in association with the main C2 (Residential Institutions) use of the building and is considered to be acceptable in principle under the provisions of Local Plan Policy H8.

The principle of a detached outbuilding to be used in association with the main care facility use (the permitted use of the premises at 1 Parsonage Road) is considered to be policy compliant and there are no objections to the principle of the use of the detached modular building, subject to a condition linking the use to the use of the main premises.

Design

The area is predominantly residential in character and garden sizes vary. Detached outbuildings serving as storage, summer houses and similar incidental uses are not uncommon. The development, whilst relatively large (approx 128m²), would be constructed of acceptable materials and would be located at the back of the garden, where an outbuilding/annex accommodation might be expected. The building would have a pitched roof and would be wood-clad. It would be set to the rear of the site and is considered acceptable in the form proposed and would be considered to comply with the objectives of policy BNE1 of the Medway Local Plan 2003.

Amenity

The impact on neighbouring properties is considered with regard to privacy, visual dominance, potential loss of outlook, noise, loss of daylight and shadow cast/loss of sunlight. The development would not introduce any direct loss of privacy. In terms of outlook, sunlight and daylight, there would be no significant impact from the development in this regard due to the distance from affected windows and private amenity area, path of the sun and time of shadow, boundary treatment height and

design.

There has been concern raised regarding the use of the outbuilding and the potential level of noise which may result from its use. The building would be used as a one bedroomed self-contained accommodation, to provide one resident a level of independence, whilst providing 24 hour care service. The building has one double bedroom, kitchen and living/dining area and a bathroom, all of an adequate size to provide a good level of accommodation (the occupant would also have access to facilities within the main dwelling). It is unlikely that the level of noise created by this use would be such that it would cause unacceptable disturbance to neighbours, beyond what is experienced from the site overall. Notwithstanding this, the rear elevation of the nearest properties (Atropos and 3 Parsonage Lane) are a satisfactory distance from the proposed building, with a good level of boundary coverage in the form of trees. The impact from this development from noise would be minimal.

The building would have one bedroom window looking into the remainder of the site. Due to the presence of existing boundary treatment and a high level of tree cover, there is not considered to be any detrimental impact on the privacy of neighbours.

The proposed use would be incidental to the main dwelling, a care home, although it would be self-contained. A condition is recommended to ensure that the use remains ancillary. It is not considered that the development would cause an unacceptable impact to neighbours to the application site by way of visual prominence, noise and loss of outlook.

Neighbouring premises are in C3 residential use where buildings of this size (subject to distance from the boundary and height restrictions) would be permitted development.

The proposal would therefore comply with Policies H8 and BNE2 of the Medway Local Plan 2003.

Trees

There are a number of trees along the south-east and north-east boundary of the site, in close proximity to the location proposed for the outbuilding accommodation. Whilst none of these trees are protected by TPOs, the applicant has confirmed that the detached unit would be on a 300mm raft slab, which would not be deep enough to impact the tree root systems.

A Tree Survey had been carried out, by Barry Holdsworth Ltd. Following the referral by members at Planning Committee, the outbuilding was relocated to minimise disruption to the trees and the methodology was updated accordingly. In doing so, the proposed footprint would only result in the removal of the "Apple" tree (T6). In terms of services, a common trench is proposed to carry water and electrical intake and waste water drainage runs from the proposed outbuilding; in accordance with National Joint Utilities Group (NJUG) guidance. A trenchless method of installing the foul drain running up to 600mm below ground level would afford a good level of protection to the tree T4.

Due to poor health, the removal of two further "Horse Chestnut" trees (T9 and T10) is also proposed, together with reduction of a further tree (T8, species unknown). All of the trees to be removed are to be replaced by 3x Field Maple trees (*Acer campestre* 'Elsrijk' 12-14cm) to account for the loss of a screen and privacy at the rear of the garden.

Should Members be minded to permit, a suitably worded condition would be attached to ensure that all works are carried out in accordance with the recommendations made within the arboricultural report and Tree Protection Plan. The application would therefore be considered to be complying with the provisions of Policy BNE43 of the Medway Local Plan 2003.

Highways

As the out-building proposes a use ancillary to the main C2 use of the site, there are no highways issues associated with this proposal. There are a total of eight parking spaces afforded to the use at 1 Parsonage Lane and it not considered that the proposal would result in increased demand for parking. No objections are raised with regards to Policies T1 and T13 of the Medway Local Plan 2003.

Other Matters

There have been a number of concerns raised with regard to connecting to the main sewers and the pressures this would cause. This matter is for Building Control to consider and is not relevant to the consideration of this planning application.

Concern has been raised over the appropriateness of accommodation for someone in need of residential care being placed at the end of the garden and the pressures this would cause staff who are already over-worked and pressurised. The detached outbuilding would provide a level of independence for someone, but at the same time ensure 24 hour care is at hand and it not considered that the location of the building would put staff or occupant needs and requirements at harm.

Local Finance Considerations

There are no Local Finance Considerations relevant to this proposal.

Conclusions and Reasons for Approval

The outbuilding is acceptable in design terms and would have no impact in terms of outlook, retained trees, or general amenity for neighbouring properties. The proposal therefore accords with the above mentioned Development Plan Policies H8, BNE1, BNE2, BNE43, T1 and T13; and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for determination by the Planning Committee due to the extent of representations received expressing views contrary to the recommendation.

This application was reported to Planning Committee on the 26 August 2015, when it was determined to defer for further clarification of issues. These issues are covered

in the report above.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>