

SUBJECT	COMMITTEE SITE VISIT REPORTS 15 AUGUST 2012 Attendance – Verbally updated at Committee	ITEM 7
REPORT OF	Head of Planning & Building Control	

APPLICATION NO.	P11/S0126
APPLICATION TYPE REGISTERED	Full 2 nd April 2012
PARISH WARD MEMBERS	Whitchurch-on-Thames Mrs Pearl Slatter Mrs Ann Ducker MBE
APPLICANT SITE	Ross Healthcare Ltd Eastfield House, Eastfield Lane, Whitchurch-on-Thames
PROPOSALS	Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.
AMENDMENTS	None
GRID REFERENCE OFFICER	463691/177228 Tom Wyatt

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Committee as the Officer’s recommendations conflict with the views of the Parish Council.

- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is occupied by a care home comprising 27 bedrooms and specialising in high dependency nursing care. The site extends to approximately 0.4 hectares, including the extended area of garden associated with the care home, which this application seeks to regularise. The main building on the site dates from the late 19th Century and is an impressive building located some 30 metres back from the site’s wide frontage with Eastfield Lane. The site lies within but towards the eastern edge of the Whitchurch Conservation Area, and falls within the Chilterns AONB.

- 1.3 The site has been used as a care home for approximately 30 years and several planning applications have been approved, particularly during the 1980s, for various extensions and outbuildings.

2.0 THE PROPOSAL

- 2.1 The application seeks permission to construct a three storey extension to the rear of the main care home building. This would involve the demolition of the majority of the modern extensions to the building and the outbuildings. The plans indicate that the proposed extension would accommodate 33 single rooms whilst 12 would be retained within the existing building. The main three storey part of the extension would be

approximately 34 metres in width, 18 metres in depth and would have a height ranging from approximately 10 to 11 metres.

- 2.2 The proposal is to reuse, and widen the existing access off Eastfield Lane to 4.5 metres. A lawn and turning circle to the front of the building would be replaced by a bound gravel parking and turning area resulting in a total of 14 spaces compared to 9 as existing. A bin store and cycle store would be provided towards the north west corner of the site.
- 2.3 The proposal also seeks retrospective permission for the change of use of a former garden area associated with properties in Swanston Field to the north to use as part of the garden area of the care home. This area extends to approximately 0.1 hectares.
- 2.4 A copy of the most relevant plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **CONSULTATIONS AND REPRESENTATIONS**

- 3.1 **Whitchurch-on-Thames Parish Council** – The Parish Council strongly objects to the application for the following reasons:
-Overbearing onto neighbouring properties that will reduce privacy and light
-Increased traffic will result in congestion and will be hazardous to walkers accessing the Village Green and School
- 3.2 **OCC Highway Liaison Officer** – No objections subject to conditions
- 3.3 **Forestry Officer** – Objects as the proposals will affect the root protection area of a protected tree and the proposed tree protection information fails to protect the full extent of many of the trees' root protection areas.
- 3.4 **Environmental Health Officer** – Conditions to control noise, dust and lighting should be attached to any planning permission
- 3.5 **OCC Archaeologist** – No objections but the possibility of finds occurring during construction should be borne in mind
- 3.6 **Housing Development & Regeneration Manager** – The application is supported in principle due to the proposal potentially assisting the projected need for this type of care facility
- 3.7 **Conservation Officer** – The proposal is considered unacceptable as the extension will be much larger and more dominant than Eastfield House, the extension will be viewed beyond Eastfield House on either side from the street and the extension would be too close to boundaries with adjoining properties. The size and bulk of the extension will be a negative feature within the conservation area and will neither preserve nor enhance the character or appearance of the conservation area.
- 3.8 **Waste Management Officer** – No comments as the site has a commercial waste collection
- 3.9 **Countryside Officer** – No objections subject to bat mitigation being carried out.
- 3.10 **Neighbours** – Fifty two letters of objection received, which raise the following concerns;
- Increased traffic and congestion on Eastfield Lane

- Impact on highway safety particularly as school children use the road to walk to the primary school and pre school
- Impact on neighbouring amenity through excessive size and overlooking
- Smell and noise from bin store area
- Adverse impact on the quiet character of Eastfield Lane
- Overdevelopment of the site and visually prominent and harmful in the surrounding area
- Detrimental impact on the Conservation Area
- Adverse impact on the Chilterns AONB
- Visual impact of additional hardstanding to the front
- Impact on trees within the site. Trees were felled prior to the submission of the previous application
- Disregard for local opinion, now strengthened by the Localism Act
- Scale of the development out of keeping with the surrounding built form
- Overspill parking likely on Eastfield Lane
- Similar to previously refused scheme
- Impact on local services such as water
- Impact on safeguarding of children due to more visitors to Eastfield Lane
- Increased flood risk

4.0 **RELEVANT PLANNING HISTORY**

4.1 P10/E0852 - Partial demolition of existing care home, construction of an extension and associated works and change of use of land at the rear of the home. Refusal of planning permission on 20th September 2010 for the following reasons:

1. *The application site comprises a large plot of land fronting Eastfield Lane within the Whitchurch Conservation Area. At the present time, the application site and its surroundings have a spacious and verdant character and appearance. The proposed development, due its siting, size, design, height, bulk and massing would fail to respect the scale and character of the existing building on the site and would result in an overdevelopment of the existing building and site and a cramped form of development that would fail to respect the character and appearance of the surrounding built form and the Conservation Area and the landscape qualities of the wider Chilterns Area of Outstanding Natural Beauty. As such the proposal would be contrary to Policies G2, G6, C1, C2, CON7, D1 and CF2 of the South Oxfordshire Local Plan 2011 and guidance contained within the South Oxfordshire Design Guide 2008 and PPS1, PPS5, and PPS7.*
2. *The proposed development, due to its siting, design, size, height, bulk and massing, would have an overbearing effect on and cause overlooking to neighbouring properties, most notably Tanglewood to the west, 14 Swanston Field to the north and Eastfield Cottage to the east. Therefore, the proposal would be detrimental to the amenities of the occupiers of adjoining residential properties and would be contrary to Policies G6, and CF2 of the South Oxfordshire Local Plan 2011 and guidance contained within the South Oxfordshire Design Guide 2008.*
3. *The proposed development, due to its siting, size and height would result in damage to protected lime trees and would result in a direct threat to the sustainability of these trees. The trees make an important contribution to the character and appearance of the site and the wider Conservation Area and damage to or loss of the trees would consequently harm the character and appearance and general amenity of the area, which would be contrary to Policies G2, G6, C1, C2, C9, CON7, D1 and CF2 of the South Oxfordshire Local Plan 2011 and guidance contained within the South Oxfordshire Design Guide 2008 and PPS1, PPS5 and PPS7.*

- 4.2 An appeal against this refusal was dismissed on 23rd August 2011 but only in relation to the impact on Eastfield Cottage. A copy of the plans relating to this application and the Inspector's decision notice are **attached** at Appendix C.
- 4.3 P10/E0854/CA - Part demolition of the existing care home, Eastfield House, the construction of an extension and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space. Conservation Area Consent on 20 September 2010
- 4.4 P00/S0683 - Single storey dormitory block extension comprising two bedrooms with toilet facilities. Planning Permission on 12 October 2000.
- 4.5 P99/S0421 - 4 no. elderly person flatlets to extend residential home. Planning Permission on 21 September 1999.
- 4.6 P87/S0176 - Single storey extensions to provide bedroom, bathroom and kitchen/diner. Planning Permission on 14 May 1987
- 4.7 P85/S0203 - Extensions to rear flats and provision of external staircase in revised position. Planning Permission on 17 May 1985.
- 4.8 P81/S0039/CU - Change of use from staff quarters to residents' accommodation. Planning Permission on 11 March 1981.

5.0 **POLICY AND GUIDANCE**

5.2 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):

- G2 – Protection and enhancement of the environment
- G6 – Promoting good design
- C1 – Landscape character
- C2 – Areas of Outstanding Natural Beauty
- C8 – Species protection
- C9 – Landscape features
- CON7 – Proposals affecting a Conservation Area
- EP1 – Prevention of polluting emissions
- EP2 – Noise and vibrations
- EP8 – Contaminated land
- D1 – Good design and local distinctiveness
- D2 – Vehicle and bicycle parking
- D4 – Privacy and daylight
- D6 – Design against crime
- D7 – Access for all
- D8 – Energy, water and materials efficient design
- D10 – Waste management
- D11 – Infrastructure and service requirements
- CF2 – Provision of community facilities and services
- T1 & T2 – Transport requirements for new developments

5.3 Government Guidance:

- National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Guidance

- South Oxfordshire Design Guide 2008 (SODG)
- South Oxfordshire Landscape Assessment (SOLA)

- 5.5 Other Guidance
- Chilterns Buildings Design Guide
 - Whitchurch Village Plan

6.0 **PLANNING ISSUES**

- 6.1 The planning issues that are relevant to this application are:
1. The principle of the development
 2. The impact on the character and appearance of the site and surrounding area
 3. The impact on the amenity of neighbouring occupiers
 4. Highway considerations
 5. Impact on trees
 6. Other material considerations

The Principle of the Development

- 6.2 The site has an established use as a care home falling within Class C2 of the Use Classes Order (as amended). The site is located within the main built up area of Whitchurch-on-Thames where the principle of providing additional community facilities and services is acceptable having regard to Policy CF2 of the SOLP. The proposal seeks to improve and expand the existing facilities for elderly nursing care at the site, and increase the number of bedrooms from 27 to 45 rooms. The information submitted in support of the application explains that there is a need for additional nursing care for the elderly. I do not dispute this need and the council is broadly supportive of such provision where there are no overriding conflicts with planning policy. Despite the refusal of the previous application, Officers consider that the principle of the proposed development remains broadly acceptable.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.3 The site lies within Whitchurch Conservation Area and within the wider Chilterns AONB. The existing main building on the site is a substantial building over three floors dating from around 1880 when it was constructed as a single dwelling. The building has an attractive appearance when viewed from the front (south) and this is enhanced by its spacious and verdant setting when viewed from Eastfield Lane. The building occupies the largest plot on the north side of Eastfield Lane and has a considerable presence when viewed from the road.
- 6.4 The existing building, when viewed from Eastfield Lane makes a very positive contribution to the character and appearance of this part of the Conservation Area. Policy CON7 of the SOLP seeks to resist development that would harm the character and appearance of a conservation area, and requires 'the design and scale of new work to be in sympathy with the established character of the area'.
- 6.5 Guidance contained within the NPPF is also relevant. The Conservation Area is a designated heritage asset and the built form within this designated area contributes to the significance of the asset. Para. 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- 6.6 The existing building has been extended with piecemeal extensions to the rear and side, including a rather unsightly mansard roofed extension on its north east side and rear. These extensions and other outbuildings located towards the rear of the site are

not attractive and their removal would be desirable. However, these elements of the existing building are modest in size and low in height compared to the existing building, and are clearly subservient in scale to the original part of the building. They are unobtrusive in public views of the front of the building from Eastfield Lane and are not readily apparent apart from in private views from neighbouring properties. As such these elements have a limited impact upon the appearance of the Conservation Area in respect of public views.

- 6.7 The proposed extensions to the building would clear away the existing extensions to the rear of the building and the various outbuildings, and this is to be welcomed. However, the extensions proposed are very substantial in terms of their size having dimensions (including the single storey elements to the sides) of approximately 42 metres wide, 18 metres deep and 11 metres in height. This means that the extensions would be almost double the width and depth of the main two/three storey element of the original building and would be as high as the highest part of the original building. The size, siting and overall bulk and massing of the extensions would be significant in relation to the existing building and would fail to be subservient to the existing building. The extensions would be wider than the original building and would be considerably higher than much of it. Despite being set behind the original buildings, the sheer scale of the development would be easily apparent from Eastfield Lane to the south. In these views the extensions would dominate and diminish the original proportions of the building.
- 6.8 Having regard to the scale and massing of the proposed extensions, the previous application was refused for the first reason stated above. However, at appeal the Inspector considered that the size, scale and massing of the proposed development was acceptable as evidenced by the following Paragraphs of his decision notice.
- 6.9 Part of Paragraph 9 states:
The new extension would be a large structure, occupying much of the rear part of the existing plot, with additional bedrooms and ancillary spaces. It would be two storeys in height to the eaves (with additional space within the roofs) but it would be higher at the ridge than the original building and would be both wider and deeper on plan.
- 6.10 Paragraph 10 states:
Nevertheless, the building has been designed in a style which is appropriate to the host building, imitating the original architectural vocabulary and using traditional materials. It would be set back from the frontage to Eastfield Lane, behind the original building, and, in my opinion, it would have a minimal impact on the appearance and character of the lane, and on the setting in the Conservation Area (and the Area of Outstanding Natural Beauty). Indeed, I believe that, architecturally, the new rear elevation has much to commend it.
- 6.11 Paragraph 11 states:
In general terms, the new extension would take up that part of the site at the rear of the original building which is cluttered and least attractive at present and I do not believe that the proposed additional building would amount to an overdevelopment of the site, in principle.
- 6.12 The extensions now proposed are the same height as those previously proposed and the general form and design is very similar. The main three storey element of the extensions is approximately 6 metres less in width than the previous scheme, however, the overall width of the extensions is slightly greater having regard to the single storey elements to either side. Although Officers still consider that the overall size and scale of the extensions represents an overdevelopment of the site to the detriment of the

character and appearance of the existing building, the site and the wider Conservation Area and AONB, the council has to be mindful of the Inspector's decision in respect of this issue. In this regard the actual bulk and massing of the extension has been reduced, principally through the reduced width of the three storey element of the proposal, and in this regard the proposal is slightly less dominant than the scheme previously proposed. In light of this and the Inspector's decision, along with the lack of any material changes to planning policy or the physical circumstances of the site Officer's conclude that the visual impact of the development on the character and appearance of the site and the wider area would be acceptable.

- 6.13 The change of use of the garden area to the rear of the building to form part of the care home grounds has already occurred without planning permission. Several lime trees were felled to facilitate this change of use, and the former strong physical boundary between the gardens of the Swanston Field properties to the north and the grounds of the care home and adjoining development to the west was diminished. However, the change of use has retained the openness and character of this land, which is outside of the Whitchurch Conservation Area, and Officers do not consider that the change of use has a significant impact on the character and appearance of the site or surrounding area, particularly as the land is not visible from surrounding public views.

The Impact on the Amenity of Neighbouring Occupiers

- 6.14 The previous scheme was refused due to the impact on neighbouring properties, particularly Eastfield Cottage to the east, Tanglewood to the west and 14 Swanston Field to the north. In considering this issue, the following paragraphs of the Inspector's decision notice are relevant.
- 6.15 Paragraph 21 states:
The nearest dwellinghouses to the proposed extension are at 'Tanglewood', to the west, and 'Eastfield Cottage', to the east. The proposed extension would not cause undue overshadowing to either property, bearing in mind the orientation of the sites, and it would not significantly overshadow the gardens of the properties to the north, in Swanston Field.
- 6.16 Paragraph 22 states:
Windows on the rear elevation of the new extension would overlook neighbouring land, particularly part of the garden at 'Tanglewood', but I am not convinced that this degree of overlooking would be unacceptable in planning terms, bearing in mind the built up location and the extent of neighbouring plots. More critically, I accept that certain of the windows in the new extension could overlook their neighbours (especially those at 'Tanglewood' and 'Eastfield Cottage') in a way that would intrude unacceptably on privacy, including first floor bay windows and windows serving various ancillary spaces.
- 6.17 However, in relation to overlooking, the Inspector stated that introducing obscure glazing by condition in 'appropriate locations' could be address the overlooking concerns.
- 6.18 Paragraph 24 states:
Other objections that have been raised relate to the impact that the proposed extension would have on the outlook from immediately neighbouring properties. The main outlook for the property at 'Tanglewood' is across its own front and rear gardens and, although the bulk of the proposed extension at 'Eastfield House' would lie relatively close alongside this neighbouring house, it would not adversely affect its outlook (though the new wing ought not to be any closer, in my view).

- 6.19 Paragraph 25 states:
Eastfield Cottage, on the other hand, has a very different relationship to the proposed extension. It has a very small private rear garden, even though it has a much larger front garden, which is somewhat overlooked. The proposed new wing would lie very close to the rear of the plot on which *Eastfield Cottage* stands and would dominate the outlook from the rear garden as well as that from certain rooms at the rear, especially at first floor level. Although an existing structure which is to be removed stands in this general area, it is sited alongside the neighbouring property rather than to the rear.
- 6.20 The Inspector considered that the impact of the previous scheme on the rear garden and elevation of *Eastfield Cottage* would be ‘too overpowering’ and he stated that ‘this criticism is fundamental to the acceptability of the scheme’.
- 6.21 In relation to the impact on *Eastfield Cottage*, the Inspector states at Paragraph 27:
I am conscious that the same objection might not arise in respect of a revised scheme, which would need to show a significantly greater separation between the corner of the proposed extension and the north-south line of the side boundary at ‘Eastfield Cottage’. Nonetheless, I must deal with the planning appeal as it comes before me and I have no doubt that the appeal scheme is unacceptable.
- 6.22 In the Inspector’s view the only reason to dismiss the appeal was the proximity of the proposed development to the rear of *Eastfield Cottage*. Therefore, in the Inspector’s view if all other aspects of the development remained the same, the applicant would only need to ‘show a significantly greater separation between the corner of the proposed extension and the north-south line of the side boundary at *Eastfield Cottage*’ for a scheme to be acceptable.
- 6.23 The side elevation of the three storey element of the refused scheme aligned with the north south line of the side boundary of *Eastfield Cottage* and was slightly under 2 metres away from the shared boundary with this property. The reduced width of the three storey element now means that its side elevation would be approximately 6 metres to the west of the north-south line of the side boundary at *Eastfield Cottage* and would be approximately 6.5 metres away from the shared boundary with this property. In Officers’ view this is a significantly greater separation compared to the previously refused scheme. In particular siting the three storey extension further to the west would considerably reduce the overpowering impact of the extension on the rear garden and rear elevation of *Eastfield Cottage* and would result in a significant improvement to the outlook from the rear of *Eastfield Cottage*.
- 6.24 The current proposal now includes a single storey element projecting to the side of the three storey extension. This element would be approximately 4.5 metres wide and 3.5 metres high and would be sited approximately 3 metres from the closest part of the shared boundary with *Eastfield Cottage*. The extension would also lie approximately 2 metres from the north-south line of the side boundary at *Eastfield Cottage*. Having regard to the relatively low height of the single storey element and its separation from the rear boundary of *Eastfield Cottage*, Officers do not consider that this element of the proposal would cause any significant harm to the outlook from the garden area or rear elevation of *Eastfield Cottage* although this element would be clearly visible from first floor windows in the rear elevation of *Eastfield Cottage*.
- 6.25 In addition to the increased separation to the boundary with *Eastfield Cottage*, and the smaller scale of the closest part of the development, the proposal also includes the removal of the existing two storey mansard roofed extension that currently lies within 4 metres of the boundary with *Eastfield Cottage*. The removal of this element will result

in an improvement to the outlook from the rear of Eastfield Cottage directly to the west and would result in the removal of windows that currently directly overlook the rear garden area of Eastfield Cottage. Overall Officers consider that the revised scheme has addressed the Inspector's concerns regarding the impact on Eastfield Cottage.

- 6.26 The impact on Tanglewood to the west will be very similar compared to the refused scheme. The relationship of the three storey extension to Tanglewood is the same in terms of the siting and height of this part of the development. However, there will be additional windows looking north towards land forming part of the curtilage of Tanglewood. In this regard the Inspector did not previously raise any significant concerns regarding overlooking to Tanglewood due to the built up nature of the area and the extent of the residential plots. The higher level windows facing towards Tanglewood would be generally screened by existing trees and would look towards a more under used part of the garden relating to this property.
- 6.27 The Inspector did state that the extension should not be any closer to Tanglewood than with the refused scheme. In this regard a single storey element does project approximately 4.5 metres closer, however, it would line up with the side elevation of Tanglewood and would still be at least 5 metres away from this neighbouring property. The siting and size of the single storey element would ensure that there would be no significant harm caused to the amenity of Tanglewood.
- 6.28 No concerns were expressed regarding the siting of the bin store in relation to the previous proposal. This was in the far north west corner of the site immediately adjacent to the rear garden area of Tanglewood. The bin store is now relocated to be alongside the front garden area of Tanglewood and the rear of Eastfield Lodge. Officers consider that, in respect of potential noise and disturbance to neighbouring properties, particularly Tanglewood, the bin store is now sited in an improved location compared to the previous scheme.
- 6.29 Views from other neighbouring properties such as Eastfield Lodge to the south west and Little Eastfield to the east would be affected by the development but due to the relationship of these properties to the application site Officers do not consider that the development would result in any significant harm to their occupiers. Officers also do not consider that the change of use of the land to the rear of the building would cause any significant harm to the amenity of adjoining occupiers. The Inspector did not raise any significant concerns with regard to the impact on neighbouring properties, apart from that in relation to Eastfield Cottage.

Highway Considerations

- 6.30 The existing access into the front of the site from Eastfield Lane would be reused as part of the development but widened to 4.5 metres, which would allow for two cars to pass. The number of parking spaces would be increased from 9 spaces to 14, including two disabled spaces. The central lawn to the front of the building would be removed to accommodate a larger parking and turning area. A covered cycle store would also be provided.
- 6.31 Eastfield Lane has a rural character due to its lack of road markings, relatively narrow width and lack of pavements. It is also particularly narrow close to its junction with the High Street. The Parish Council and many local residents have raised concerns regarding an increase in traffic having regard to the relatively poor access to the site. Concerns have also been expressed regarding the impact on highway safety, particularly due to the presence of Whitchurch Primary School at the eastern end of Eastfield Lane and the lack of pavements.

- 6.32 A Transport Assessment (TA) has been submitted with the application. This document explains that none of the residents of the care home would have their own cars. The TA also states that there would be a maximum of 21 staff on site at any one time and that the parking provision would be sufficient for staff use. An analysis of the current modes of transport adopted by staff indicates that slightly over 50% travel to the site by means other than the private car. Given the increase in parking spaces over the existing situation, and the generally low levels of traffic movements associated with a care home, Officers are satisfied that the proposed parking provision is acceptable and that the proposal will not result in a significant increase in traffic generation. The TA also includes Transport Plan measures and these would further reduce reliance on the private car.

The Impact on Trees

- 6.33 Policy C9 of the SOLP seeks to resist development that would cause a loss of landscape features that make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. There are several trees on or adjacent to the site, many of which are protected by Tree Preservation Order. The protected trees include a group of trees towards the frontage of the site with Eastfield Lane, and individual lime trees adjacent to the original northern boundary of the site. Several trees were removed, prior to being protected, along the original northern boundary to facilitate the extension of the garden area for the care home.
- 6.34 A Tree Constraints Plan and Tree Survey have been submitted as part of the application. This information concludes that the proposal would not adversely affect 'the strong arboricultural character of the site'. The trees on the site, particularly those subject to the TPOs are visually prominent and make a positive contribution to the sylvan quality of the site and the wider Conservation Area. The loss of these trees would be detrimental to the 'strong arboricultural' character and appearance of the site and wider area.
- 6.35 The council's Forestry Officer has stated that the north eastern section of the proposed building is within the root protection area of T25, a protected lime tree as identified on the submitted Tree Survey Schedule.
- 6.36 The Forestry Officer has raised concern that the arboricultural data supplied with the application appears to record inaccurate data for T25 therefore calculating a reduced sized root protection area (RPA). The proposed building will be approximately 4.5m away from T25, and the RPA for T25 is approximately a 10m radius. As well as being considerably inside the RPA of T25, the tree's canopy will require a significant amount of branch removal to accommodate the proposed building. The above factors will result in damage to this protected tree and the proposal is therefore contrary to council policy and industry guidelines.
- 6.37 The previous application was refused due to the impact on the lime trees to the rear of the site. However, the Inspector did not support the council on appeal despite stating at Paragraph 15 that, 'these remaining lime trees are certainly important to the setting and clearly deserve to be preserved, in my view'. Despite the acknowledgement that the development would require branches of the lime tree to be cut back he considered that a suitable foundation design for the extension could be devised to safeguard the trees. He also considered at Paragraph 16 that, 'the significant trees at the front of the site could also be protected from damage due to the works and that other works, such as the construction of paths, can also be dealt with in an appropriate way to prevent

damage to trees’.

- 6.38 Despite the Forestry Officer’s comments, the development now proposed will be no closer to the protected trees, particularly T25, compared to the previous scheme, and furthermore the main three storey element of the extension will be sited further away from this tree than was previously the case. Having regard to this and in light of the Inspector’s findings, Officers do not consider that there are reasonable grounds to resist the proposal based on the impact on adjacent trees.

Other Material Considerations

- 6.39 Policy C8 of the SOLP seeks to ensure that development does not adversely affect protected wildlife species. The Countryside Officer is satisfied that the proposed mitigation measures to address the loss of potential bat habitat are acceptable.
- 6.40 The Planning Support Statement indicates several sustainability measures regarding the efficient use of energy and water. These measures are supported by guidance contained within the SODG and Policy D8 of the SOLP and could be secured by condition.
- 6.41 The proposed development would have a significant impact on local residents and highway users throughout any construction period. However, this impact could be controlled by appropriate conditions.

7.0 **CONCLUSION**

- 7.1 Having regard to the Inspector’s reasoning in dismissing the appeal against the refusal of planning application P10/E052 and the differences between the previous scheme and the scheme now proposed Officers consider that the current scheme has addressed the Inspector’s concerns and, on balance, the application proposal is broadly in accordance with the relevant development plan policies and national planning policy.

8.0 **RECOMMENDATIONS**

- 8.1 **That planning permission be granted subject to the following conditions:**

1. **Commencement – 3 years**
2. **Development to be in accordance with approved plans**
3. **Samples of materials to be agreed prior to commencement of development. Timber openings**
4. **Landscaping scheme, including hardsurfacing and details of cycle store and bin store to be agreed prior to commencement of development**
5. **Tree protection measures to be agreed, including foundation design for extension**
6. **Contaminated land assessment**
7. **Details of surface water drainage to be agreed**
8. **Details of any external lighting to be agreed**
9. **Development to be implemented in accordance with the scheme of mitigation outlined in the submitted Bat Survey Report**
10. **All existing buildings shown to be demolished to be demolished prior to occupation of the extension**
11. **Parking and turning areas provided prior to occupation of the extension and thereafter maintained**
12. **Working hours restricted during demolition and construction works**

- 13. Windows at first and second floor level in western side elevation to be obscure glazed and fixed shut. Obscure glazing also to windows on north elevation in accordance with details to be agreed.**
- 14. Sustainable design and construction to be agreed**
- 15. Use as care home only**
- 16. Cycle parking to be provided prior to occupation of the extension**
- 17. Green Travel Plan to be agreed**

Author: Mr T Wyatt
Contact no: 01491 823154
Email: planning.east@southandvale.gov.uk