

Item No.**SCHEDULE B**

APPLICATION NUMBER	CB/09/07065/FULL
LOCATION	Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade, Leighton Buzzard, LU7 2SW
PROPOSAL	Demolition of number 20 Stoke Road and Elmside, Bossington Lane and erection of single and two storey extensions to Elm Lodge residential nursing home (revised application CB/09/06271/FULL).
PARISH	Leighton-Linslade
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllrs Bowater, Johnstone, Sharer & Spurr
CASE OFFICER	Mr A D Robertson
DATE REGISTERED	24 December 2009
EXPIRY DATE	18 February 2010
APPLICANT	Nanco Enterprises Ltd
AGENT	Burnel Design Associates
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Bowater
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Elm Lodge is a residential and nursing home located on the eastern side of Stoke Road, some 110m to the north of its junction with Faulknors Way. The property occupies a roughly rectangular shaped site which at the rear has a frontage to the unmade Bossington Lane. Immediately to the north of Elm Lodge are two detached houses, no.20 Stoke Road and 'Elmside', Bossington Lane. The application site comprises the combined curtilages of the three properties and has a frontage to Stoke Road of 41.0m and an average depth of some 82.0m.

The curtilage of Elm Lodge and that of 20 Stoke Road lie within the Stoke Road Area of Special Character.

The Application:

Planning permission is sought for the demolition of the two detached houses and the erection of extensions to both the residential home at the front of the site and the nursing home to the rear. Additional car parking provision is also proposed at the front of the site.

At the front of the site, mostly within the existing curtilage of 20 Stoke Road, the extension to the residential home would comprise an 'L' shaped two storey building in the style of the original Elm Lodge with a single storey element to the rear which provides the link to the existing building. The frontage building would have a width of 12.3m and a depth of 10.1m with an overall height of 9.2m. The rear section would vary in width between 10.3m and 6.1m over its depth of 15.2m, with a height varying between 9.1m and 7.5m. This section of the extension would provide 14 additional en-suite bedrooms, new entrance, lift and other ancillary facilities.

Attached to the rear of this building would be a single storey element comprising a lounge, meeting room, matrons office and a basement storage area. It would have a

width varying between 6.5m and 9.0m, a depth of 14.4m and would incorporate a flat roof with a maximum height of 4.0m.

At the rear of the site, partly within the curtilage of Elmside and partly within Elm Lodge it is proposed to erect a two storey extension to the nursing home measuring 13.6m wide by 14.5m deep and incorporating a hipped roof, 7.5m high to the ridge. The extension would provide 13 additional en-suite bedrooms and a lounge.

Additional parking spaces would be provided at the front of the site with access by way of the existing entrance to Elm Lodge. The vehicular accesses to both of the existing dwellings would be closed off.

A statement in support of the application is attached as an appendix.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies

BE6 - Development in Areas of Special Character.

BE8 - Design and Environmental Considerations.

H2 - Provision for Housing via 'Fall-in' Sites.

H3 - Meeting Local Housing Needs.

H7 - Loss of Residential Accommodation.

T10 - Parking in New Development.

Planning History

SB/TP/89/0989	Permission for change of use from day nursery and residential to nursing home.
SB/TP/90/1015	Permission for two storey extension to residential home.
SB/TP/93/0312	Permission for two storey extension to provide 15 bedroom nursing home.
SB/TP/97/0500	Permission for two storey side extension and fire escape.
SB/TP/99/0626	Permission for rear conservatory.
SB/TP/00/0844	Permission for first floor extension to residential home.
SB/TP/08/0461	Permission for fire escape enclosure.
CB/09/6271/TP	Application for demolition of two dwellings and erection of single and two storey extensions - Withdrawn.

Representations:

(Parish & Neighbours)

Leighton-Linslade Town Council No objection.

<p>Neighbours - 20,22 & 24 Faulkners Way, Treetops, Bossington Lane, 22A Stoke Road and resident of The Martins.</p>	<p>Object for reasons which can be summarised as follows:-</p> <ul style="list-style-type: none"> - unsuitable commercial development in a residential area; - overdevelopment involving large overbearing extension out-of-keeping with the area; - loss of two family homes; - increased traffic; - loss of outlook and light, overlooking and loss of privacy; - noise, dust and nuisance due to demolition and construction works and construction traffic; - noise nuisance due to increased activity and distressed residents; - potential flood risk; - suitability of Bossington Lane to take construction traffic; - existing access onto Bossington Lane should be closed off; - concern that screen planting may not be undertaken.
<p>24 Faulkners Way</p>	<p>Previous objections have not been taken into account and could easily have been addressed with revision to plans. Should application be approved will be seeking a judicial review.</p>

Consultations/Publicity responses

<p>Tree and Landscape Officer</p>	<p>No trees of merit are affected by the proposal. A line of Lime pollards and Holly on the boundary with 20 Stoke Road are not worthy of retention. An existing boundary hedge at the rear of the site provides useful screening and should be retained. The intended retention of the landscaping at the front of the site is welcomed.</p>
<p>Highways Officer</p>	<p>No objection subject to the imposition of conditions and informatives.</p>
<p>Environment Agency</p>	<p>No comment with regard to flood risk but suggests that consideration be given to the need to investigate contamination.</p>

Determining Issues

The main considerations of the application are;

1. Principle of the development.
2. Impact on the character of the area,
3. Impact on residential amenity.
4. Highway safety and parking.

Considerations

1. Principle of the development.

The existing residential and nursing home is located within an otherwise wholly residential area and in this regard there are two main concerns raised by objectors in respect of the appropriateness of the proposed development, namely the commercial nature of the use of the building and the extension of the site leading to the loss of two existing dwellings. Whilst it is accepted that there is a commercial element to the proposal in that residents pay for their accommodation and care, the basic purpose of the building is to provide residential accommodation. If the proposed use is deemed to be commercial then the same could be said of any residential accommodation for which rent is paid to the owner. In respect of the second issue, although the proposed development involves the demolition of two family houses which might appear to be contrary to Policy H7 of the Local Plan Review, the provision of the additional accommodation within the residential and nursing homes would be likely to result in the release of a more than compensatory number of dwellings for family occupation. In this connection the applicant advises that a high proportion of residents come to Elm Lodge from their own homes.

In Local Plan Review policy terms, Policy H3 requires that residential development should contribute to meeting the needs of the elderly, single and other small households and in relation to elderly persons accommodation it is recognised that there is likely to be a substantially increasing requirement for suitable housing accommodation for the elderly during the Plan period.

2. Impact on the character of the area.

The impact of the proposed development in the street scene is a particularly important consideration in this case having regard to the location of a large part of the site within an Area of Special Character. This issue is most significant in respect of the Stoke Road frontage from which vantage point the development would have its greatest impact on the character and appearance of the area. In this connection the replacement of a 1960's built house of no special architectural merit by a well designed new building which reflects the attractive appearance and detailing of the adjoining Elm Lodge would be likely to enhance rather than detract from the special character of the street scene in this part of Stoke Road. Although the replacement building would have a significantly greater frontage width and footprint than the existing dwelling, its overall impact in the street scene would not be unduly overbearing or excessive. The retention and reinforcement of the existing planted area to the front of the site would also assist in ensuring that the character of the area is maintained.

Whilst the overall extent of the proposed works is significantly greater in terms of building footprint than the existing dwellings, it is only the new frontage building that impacts on the Area of Special Character. The single storey section in the centre of the site would be hidden from general view by the two storey elements to the front and rear. The rear extension is not located within the Area of Special Character and although it is accepted that its visual impact from the Bossington Lane frontage is greater than the existing dwelling to be demolished, that impact would be no greater than the impact of the existing nursing home which was built on a vacant site. Notwithstanding this point, discussions have taken place with the applicant with a view to reducing the massing of the rear extension and revised plans have been received which address certain of the objections raised. The revisions involve a reduction of the first floor accommodation in order to set the building further back from Bossington Lane at what, in the originally

submitted form of the application , was the closest point to that frontage of the site. The amendment involves a redesign of the roof which significantly reduces the bulk of the building when viewed from the Faulkners Way properties and, to a lesser extent, when seen from the adjoining property in Bossington Lane.

3. Impact on residential amenity.

The main concerns in relation to the impact of the proposal on adjoining properties is in terms of visual impact, overlooking and loss of privacy. The only property directly affected by the sections of the development within the present curtilage of 20 Stoke Road is the adjoining property no.22. In order to minimise the impact of the proposed new building the following measures were incorporated within the originally conceived scheme and subsequently negotiated amendments:-

- the side elevation of the main frontage building would be set in further from the common boundary than the existing dwelling;
- the rear projections of the frontage building are stepped back from the boundary and their roof heights are lowered as they extend further into the site;
- there is only one first floor window within the side elevation of the rear projection and that would be at a high level and be obscure glazed;
- the width of the single storey central section of the extension has been reduced by up to 3.0m which, together with the retention of existing boundary screening minimises the visual impact of the building.

The property in Bossington Lane most affected by the nursing home extension is Treetops, the adjoining house to the north of the site. In an attempt to reduce any adverse impact on that property in terms of overbearing appearance, the rear section of the new building adjacent to the common boundary would be single storey with a flat roof. The only windows in the north facing side elevation would serve bathrooms and would be obscure glazed.

The neighbouring properties in Faulkners Way are set at a considerably lower level than the application site with Bossington Lane (which is 9.0m wide at this point) running between the respective rear boundaries which are defined in places by mature trees. The potential impact of the proposal on these properties is in relation to overlooking from first floor windows and overbearing appearance. Negotiations have recently taken place with the applicant in order to both reduce the bulk and visual impact of the building and to reduce the number of rear facing first floor windows. As was mentioned above, revised plans have been received which involve a reduction in the amount of first floor accommodation at the rear of the building as a result of which the number of bedrooms is reduced by one with a consequent reduction in the number of first floor windows facing towards the Faulkners Way properties. This amendment assists in addressing the concerns raised by local residents.

4. Highway safety and parking.

The Highway Officer raises no objection to the proposal. The existing dual access arrangement appears to operate satisfactorily and no significant increase in traffic movements is anticipated. The existing access serving 20 Stoke Road would be closed off as part of the proposal, as would the access onto Bossington Lane, the closures taking place on the completion of each phase of the development.

The concerns regarding the suitability of Bossington Lane to take construction traffic is noted and has been discussed with the applicant. The same issue was raised at the time of the erection of the original nursing home extension fronting

onto Bossington Lane and in order to address the concerns it is understood that the applicant arranged, where possible, for bulk loads of materials to be unloaded on Faulkners Way and transported to the site in reduced quantities. It is proposed to add an informative requesting that this practice be adopted in connection with the current proposal.

The required level of parking provision is based on a combination of the number of staff employed and the number of residents. The total requirement for the existing homes and the proposed extensions is 21 spaces, a level of provision which can be met.

Reasons for Granting

The principle of the provision of such residential homes in residential areas is clearly acceptable, as is evident from the existing Elm Lodge residential and nursing homes and the recently built homes in St. Georges Close and Vandyke Road in Leighton Buzzard. It is also often the case, particularly in urban areas, that such accommodation is provided within buildings of considerable size in terms of floor area and site coverage, again as is the case of the two buildings referred to above, although in those examples the height of the buildings is not limited to two storeys. Among the representations received from neighbours is a suggestion that it would be more appropriate for the applicant to find an alternative site with more land, away from neighbours. This would not necessarily be a sustainable solution in terms of location, and would not enable the development to benefit from the use of facilities within the existing residential and nursing homes at Elm Lodge.

It has been demonstrated that the proposed extensions would not have an adverse impact on the Area of Special Character, indeed it could be argued that the replacement building on the Stoke Road frontage would improve the character of the area.

The scheme as originally submitted has been amended on a number of occasions in an attempt to address the concerns of neighbours.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first occupation or use of any separate section or phase of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).

- 3 The existing trees and hedgerows shall, unless otherwise agreed in writing by the Local Planning Authority, be retained and protected and shall not be destroyed, uprooted, felled, lopped or topped. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.
(Policy BE8, S.B.L.P.R).
- 4 Before any section of the development hereby permitted is first occupied or brought into use, the parking scheme shown on Drawing No. 00709/12C shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking clear of the highway.
(Policy T10, S.B.L.P.R).
- 5 Before any section or phase of the development hereby permitted is first occupied or brought into use, all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
- 6 Before each section or phase of the development hereby permitted is first occupied or brought into use, any existing access within the frontage of the land to be developed as part of that section or phase shall be permanently closed in a manner to the Local Planning Authority's written approval.
REASON: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the site.
- 7 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any section or phase of the development is first occupied or brought into use and thereafter retained.**
REASON: To safeguard the amenity of the area.
(Policy BE8, S.B.L.P.R).
- 8 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the building/s.
(Policies BE8 & H8, S.B.L.P.R).
- 9 The windows shown on Drawing Nos. 00709/7B, 00709/8B and 00709/9B shall be permanently glazed with obscured glass.
REASON: To protect the privacy of the occupiers of adjoining properties.

(Policy BE8, S.B.L.P.R).

- 10 **The existing buildings shall not be demolished before a contract has been entered into for carrying out of works of redevelopment of the site.**
REASON: To ensure that premature demolition does not occur leaving an empty gap in the street scene.
(Policies BE6 & BE8, S.B.L.P.R).
- 11 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the related section or phase of the development is first occupied or brought into use.**
REASON: To ensure satisfactory drainage of the site.
- 12 No development shall commence until wheel-cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).
REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
- 13 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
REASON: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it .
- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.
REASON: To enable vehicles to draw off the highway before the gates are opened.
- 15 The maximum gradient of the vehicular access shall be 10% (1 in 10).
REASON: In the interests of the safety of persons using the access and users of the highway.
- 16 Before the development is commenced, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full within six months of the first occupation or use of the development. The travel plan shall be monitored on

an annual basis and any necessary improvements or variations shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to reduce reliance on the private car.

- 17 This permission relates only to the details shown on Drawing Nos. 00709/13A, 00709/1C and 00709/2C received 24/12/09 and Drawing Nos. 00709/12C, 00709/3D, 00709/4D, 00709/7B, 00709/8B and 00709/9B received 04/02/10 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment.

South Bedfordshire Local Plan Review

BE6 - Development in Areas of Special Character.

BE8 - Design and Environmental Considerations.

H2 - Provision for Housing via 'Fall-in' Sites.

H3 - Meeting Local Housing Needs.

H7 - Loss of Residential Accommodation.

T10 - Parking in New Development.

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant/developer is advised that, whilst the Council has no reason to believe that this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be reported to the Council's Public Protection Service. Any imported material for gardens or landscaping must be of a quality to British Standard for Topsoil, BS 3882:2007, as expected by the NHBC and other bodies.

5. The applicant/developer is advised that, due to the nature of the construction and surfacing of Bossington Lane where it provides access to the eastern section of the site, construction vehicles servicing that section of the site shall, wherever possible, load or unload on the highway nearest to the site.
6. No works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, 6th Floor, Borough Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
7. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
8. The applicant is advised that the closure of existing accesses shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Highways Help Desk, P.O.Box 1395, Bedford, MK42 5AN. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the accesses.

DECISION

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