

		Committee Date: 28th February 2023
Sidmouth Sidford (Sidmouth)	22/2265/MFUL	Target Date: 13.01.2023
Applicant:	Mr Kevin Shaw (Hartford Care)	
Location:	Malden House 69 Sidford Road	
Proposal:	Side extension to existing care home to provide an additional 11 en-suite bedrooms. Works include demolition of existing side extension, and associated external works	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the planning committee as the proposal is a major application and the recommendation is contrary to the views of the Town Council and a Ward Member.

The site is a residential care home located to the north of Sidmouth town centre, located along Sidford Road (A375). The site itself has a large plot with significant gardens surrounded by hedges and trees.

This application seeks planning permission for the construction of a two storey side extension. This would provide additional accommodation in the form of eleven new en-suite bedrooms.

During the course of the application several comments of objection were received from neighbours and the Town Council.

In regards to neighbour amenity, it is considered that the proposed extension is a sufficient distance as to not cause any issue of overshadowing or an overbearing effect. Additionally there are no first floor windows on the north eastern elevations which face the nearest properties. Therefore there would not be any significant loss of privacy.

In terms of impact to the character of the area, whilst it is acknowledged that the proposed extension has significant dimensions, its height is lower than the existing building and uses similar material giving a matching subservient appearance. In addition, the plot has a generous garden area and a significant amount would remain with the extension. Therefore, it is not considered that the extension would harm the character of the area.

Turning to highways and parking, the access has sufficient visibility and space for cars to turn and re-enter the highway in a forward gear. This would ensure that there would not be any harm to road users. In regards to parking, although there would be more residents on the site, it is not considered that there would be significant increases in trip generation. Additionally, the number of spaces is to be increased from five to seven.

There are a number of trees and hedges on the edge of the site. Protection measures have been provided which are considered acceptable which would ensure that the trees and hedges would be retained and protected during construction.

Therefore the proposal is considered to be acceptable and a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

Members considered that the proposal would constitute overdevelopment of the site and would exacerbate parking problems.

Sidmouth Sidford - Cllr Stuart Hughes

1. The site has very little turning room for waste collection and linen delivery vehicles and therefore will lead to dangerous practice of reversing onto the very busy A375 Sidford Road.
2. The application fails to provide adequate parking provision to serve both the existing development (i.e. 19 room care home and third floor residential flat) and the proposed extension (i.e. the 11 room extension).

Technical Consultations

Devon County Highway Authority

Observations:

The proposal has had similar planning applications previous to this one, though it is accepted that each varies with the design layout. Parking numbers is a policy for East Devon District Council (EDDC) to administer but the County Highway Authority (CHA) does have guidance and recommendation upon the parking layout. We would also require this proposal upon Sidford Road to have off-carriageway turning. I am satisfied that the proposed design fits both of these factors through our current best practise guidance, Manual for Streets 1 and 2. I am satisfied that the increase of units will likely involve a minimal increase in trip generation from the residents, though I do appreciate that staff trip generation is likely to increase.

I recommend that this application includes secure cycle storage to encourage sustainable travel and help mitigate increased trip generation. If the application is approved it will also be required to be completed satisfying visibility guidance.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION:

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031).

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 2.4 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

EDDC Trees

The application was reviewed using online submissions, no site visit was made. The arboricultural information prepared by East Devon Tree Care looks to be acceptable & comply with BS5837. It appears no significant trees will need to be removed to facilitate the proposals and the trees on site can be protected during development through the implementation of the submitted tree protection plan (TPP). I have no objection to the proposals on arboricultural grounds, however it would be desirable for a suitable soft landscaping scheme to be submitted in support of the application, in the interests of amenity and urban greening

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

National Highways

National Highways is the strategic highway authority with responsibility for the strategic road network which in this case comprises the M5 and A30 trunk road which are located some distance from the proposed development site. We therefore have no comments on the application but you should seek the views of Devon

County Council, as the relevant local highway authority, if you have not already done so.

Other Representations

Seven letters of objection have been received. The letters have objected on the following grounds:

- Overdevelopment of the site
- Out of character with residential area
- Loss of light and overshadowing of neighbouring properties
- The proposal would increase traffic movements and deliveries in particular
- It would increase parking in residential areas
- The parking within the site is not used
- Noise caused by workers
- Noise caused by construction
- Trees have already been removed
- There is no need for further accommodation of this type
- The proposal doesn't meet design standards for Care Home for Adults
- No evidence that the building is fit for purpose

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Sid Valley Neighbourhood Plan

Policy 1 Sid Valley Development Principles

Policy 6 Infill Development, Extensions and Trees

Policy 7 Local Distinctiveness

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

Malden House is a detached property which is situated in the built-up area of Sidmouth and is accessed off the A375. The property benefits from a substantial rear garden area which adjoins a residential property on all boundaries except to the south-west, where Malden Lane runs along the boundary. The boundary of the garden consists of hedging with some larger trees. The plot slopes gently downwards towards the south-east.

ANALYSIS

Procedural Matters

During the course of the application an amended site layout plan was received which increased the number of parking spaces from five to seven. There were no changes to the extension, including its siting or appearance. As the parking spaces would be considered permitted development it was not considered to be a material change to the proposal or necessary to have a new period of consultation. The following analysis is based upon the amended site layout plan.

Relevant Planning History

Malden House has an extensive planning history. The site was converted from a single dwelling house to a residential home in 1976 under application reference 75/C0349. Between this date and 2005 there were fifteen applications for various extensions and new dwellings at the site.

Since 2008 there have been three applications of note; these are summarised below.

Planning History		
12/0667/FUL Full Application	Application to replace an extant planning permission (09/0173/FUL) - "construction of a two storey extension (revised scheme)" in order to extend time limit for implementation	Approval with conditions 26/04/2012
09/0173/FUL Full Application	Construction of two storey extension (Revised Scheme)	Approval with conditions 16/04/2009
08/0950/FUL Full Application	Two storey extension	Refusal 09/07/2008

The current proposal is an amendment to the above applications which was initially approved in 2009 and renewed in 2012 but not implemented. These proposals would have increased the numbers of rooms by nine whilst also providing an office, store room and sitting room.

Proposed Development

This application seeks planning permission for the demolition of part of the existing eastern elevation and the construction of a two storey side and rear extension. This would result in the loss of two existing rooms but would provide eleven new en-suite bedrooms, two offices and an extension to a kitchen. This would give the care home a total of 28 rooms.

The extension would measure 31.2 metres in length and would have a width of 10.4 metres with a total height of 7.3 metres. The external finish of the extension would be white painted render with a black plinth with a slate effect roof.

Consideration and Assessment

As the site is located within the Sidmouth built up area boundary, Strategy 6 of the East Devon Local Plan applies. Strategy 6 (Development within Built-Up Area Boundaries) is an overarching strategy that applies for all development within built up area boundaries. It states that development will be permitted if it is compatible with the character of the area, would not lead to additional pressure on services and would not harm various amenities. Provided the proposal meets the requirements of strategy 6 the application will have policy support and the extension is acceptable in principle.

Additionally Strategy 36 aims to provide Sidmouth with 50 Care Home spaces which this proposal would contribute to.

In addition, Policy 1 (Sid Valley Development Principles) of the Sid Valley Neighbourhood Plan supports development which accords with other policies in the Neighbourhood Plan. The most relevant policies for this application are Policy 6 (Infill Development, Extensions and Trees) and Policy 7 (Local Distinctiveness).

Therefore it is considered that the proposed extension has policy support subject to the impacts of the development.

Character and Appearance of the Area

Comments have been raised that state that the extension would be out of keeping with the area.

The proposed extension would be two storey and have a pitched roof which would stylistically be similar to the existing building. The overall roof height would be lower than the existing building and would therefore appear subservient and would make it an addition which does not increase the prominence of the building. Additionally the materials would match the existing building including the windows on the front elevation which would have glazing bars to match the windows on the existing building.

The overall bulk, massing and scale of the extension is significant and would encompass a large section of the site. However, there would still be an inner courtyard and a significant garden to the rear of the site maintaining the open aspects of the site. Additionally the views of the development will be from Sidford Road to the south east. When viewed from this angle, the extension would not appear incongruously sized for the site. Therefore, the extension is not considered to be out of keeping with the plot size such that it would constitute overdevelopment of the site.

The proposal is considered to be in character with the area and would comply with Policy D1 of the East Devon Local Plan and Policy 7 of the Sid Valley Neighbourhood Plan in this regard.

Residential Amenity

Comments from neighbouring properties have objected to the proposal on the grounds that there would be a loss of amenity to neighbours along Newlands Close to the north east of the site.

The elevation of the extension which faces these dwellings does not have any windows at first floor level. There is one window and two doors at ground floor level, however, at ground floor level they would not enable views due to the hedges and fencing that provides the boundary treatment. Therefore it is not considered that there would be a loss of privacy due to the proposed extension.

In regards to loss of light and an overbearing impact, the proposed two storey elements are at least 3.6 metres away from the boundary with the neighbours. The two properties which would be affected are No 11A and No 15 Newlands Close which share the boundary with Malden House. The extension would extend the majority of the boundary with No 11A and approximately half the boundary with No 15.

In regards to No. 11A there is an existing two storey element which covers approximately half the length of this boundary and is 6.4 metres from the boundary. Although the proposed extension is longer than the existing two storey element and closer to the boundary, the extension would not be significantly taller and there is a difference in ground levels between the two sites which means that Malden House is at a lower level. The boundary is also marked by a 2m high hedge which although recently cut back could be left to grow to further help to screen the proposal.

Turning to No 15, the boundary at this property is currently open and there is no building or structure within its proximity. Although this would introduce a new building near the boundary, due to the differences in ground level and distance to the boundary it is not considered to result in an overbearing impact or a loss of light to the occupiers of this property.

Given this distance and differences in ground levels it is not considered that there would be any significant loss of light or overbearing impact to any neighbouring properties.

Comments have been made about noise in regards to the current usage of the site as workers and delivery vehicles provide additional noise to the site. Although the extension would increase the number of residents on site and this may lead to further members of staff and deliveries, noise generated from these sources would be limited to isolated incidents. It is therefore considered that there would not be a loss of amenity due to noise.

Additionally comments have been made in connection with construction, in particular noise. Comments from the Environmental Health Officer have stated that construction should be limited to certain hours and that there should be no burning on site. Furthermore, the applicant would be expected to follow the Council's Code of Practice to ensure that any impacts are kept to a minimum. A condition has been added to restrict the hours of construction and burning on site. With this condition in place it is

not considered that the construction of the extension would result in a significant loss of amenity for any of the neighbouring residents.

The proposal is considered to comply with Policy D1 of the East Devon Local Plan and Policy 6 of the Sid Valley Neighbourhood Plan.

Access and Parking

Concerns have been raised about the current access and parking arrangements of the site.

Currently the site is accessed directly off Sidford Road which is also known as the A375. There is space within the site for vehicles to turn and re-enter the highway in a forward gear. The previous approval under 12/0667/FUL requested the removal of an existing brick wall to increase the visibility splay. This has already been undertaken and it is not considered that there has been a significant change to the amount of trips that would be generated by this proposal. Comments from the County Highways Officer has stated that the visibility splay as shown on the block plan would be acceptable and has suggested a condition. With the condition attached it is not considered that there would be any detriment to highway safety in compliance with Policy TC7.

There are currently five parking spaces which was considered sufficient for the approval of the previous applications. This proposal would see the number of parking spaces increased from five to seven. Due to the nature of the accommodation and its residents, it is not considered that there would be any significant additional parking requirements and the seven spaces are considered to be acceptable. Comments from the County Highways Officer has stated that the provided parking would meet the requirements of Devon County's best practise guidance and Manual for Streets 1 and 2. Therefore it is considered to be acceptable as submitted and in compliance with Policy TC9 of the East Devon Local Plan.

Comments from the County Highways Officer have requested that secure cycle storage is provided and this has been conditioned.

Trees

Comments from neighbours have raised concerns about a loss of trees. An Arboricultural Impact Assessment has been provided which indicates which trees are to be retained and measures for their protection to be provided. It indicates that the trees to the front and rear of the site would be retained and the hedges on the side boundaries would also be retained. A tree officer has assessed the tree protection plan and it accords with BS5837. Therefore it should be conditioned that the proposal shall be carried out in accordance with the provided information.

Comments from the tree officer have suggested a soft landscaping scheme be accompanying the application. However, due to the closed nature of the site and the current maintenance of the gardens with the use of the site as a residential home, it is considered that such a condition is not necessary as there would be minimal public benefit.

With the tree condition in place it is considered that the proposal complies with Policy D2 and D3 of the East Devon Local Plan and Policy 6 of the Sid Valley Neighbourhood Plan.

Other Matters

Comments from neighbours have questioned the need for the extension and whether the building meets certain standards for providing the type of care. Malden House currently provides care for dementia, end of life and general residential care. It is not stated what type of care would be provided, however, there is no requirement for it to be used for a certain type of care. This is not a planning requirement. It is generally accepted that there is a need for further care home spaces throughout East Devon with the provision of Strategy 36. Therefore it is considered that there is a genuine need for the facility.

Conclusion

The proposed extension is considered to comply with the policies contained within the East Devon Local Plan and the Sid Valley Neighbourhood Plan. Therefore a recommendation of approval is made.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Impact Assessment and Arboricultural Method Statement submitted by East Devon Tree Care dated the 26 September 2022 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works

are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

- 5. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
(Reason: To promote sustainable travel in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031).
- 6. Visibility splays shall be maintained for that purpose at the junction between the site access and Sidford Road in accordance with the application drawings, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.8 metres above the adjoining carriageway level and the distance back from the nearer edge of the major road carriageway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the major road carriageway (identified as Y) shall be 60 metres in both directions.
(Reason - To provide adequate visibility from and of emerging vehicles, to achieve compliance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

2335-1100-01 Proposed Block Plan 10.10.22

2335-1102-01: Ground	Proposed Floor Plans	10.10.22
2335-1103-01: First	Proposed Floor Plans	10.10.22
2335-1200-01	Proposed Elevation	10.10.22
2335-1201-01: Side	Proposed Elevation	10.10.22
0000 Rev 03	Location Plan	14.10.22
2335-1101-02	Proposed Site Plan	12.01.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.