

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

**Park House Nursing Home, Cinderhill Road**

**1 SUMMARY**

Application No: 13/00098/PFUL3 for planning permission

Application by: Henry Mein Partnership on behalf of Eastgate Limited

Proposal: Two storey extension to create new entrance area, lounge/dining area, dayroom, 14 bedrooms and ancillary accommodation.

The application is brought to Committee because a Nottingham City Councillor has submitted a written request for the application to be determined by the Committee.

To meet the Council's Performance Targets this application should have been determined by 12th March 2013

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

- 3.1 Park House Nursing Home is located within a Primarily Residential Area and currently has 55 bedrooms (40 en-suite) over 2 floors. The Home was originally granted planning permission in 1990 and there have been a number of extensions over the years with the most recent being a 1<sup>st</sup> floor extension in 2008 (08/03356/PFUL3) to the south to provide additional bedrooms.
- 3.2 The building is located to the rear of the site with a large open garden area fronting onto Cinderhill Road. The boundaries of the site are well established with mature trees and hedging.
- 3.3 The site is surrounded by residential dwellings of varying ages and styles. There is a modern development, Paddock Close, to the west, Victorian semi and terraced properties to the north and south. The 1980's development of Garton Close is to the east and the Grade II listed Bagnall Cottages immediately to the south. To the north west of the site are a number of industrial units and beyond these the former Stanton Tip site.
- 3.4 Access to the site is gained from Park Chase where there is car parking for 13 vehicles. The site is approximately 5 minutes walk from the Cinderhill tram stop

and it is on a main bus route.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 This application is seeking permission for the erection of a 2-storey extension to the front of the existing nursing home to provide a new entrance area, lounge/dining area, day room and associated ancillary accommodation to the ground floor, with 14 en-suite bedrooms to the first floor. The proposal would result in a 69 bedroom nursing home, of which 62 of the rooms would be en-suite. Upgrading of the existing internal accommodation would also be carried out.
- 4.2 Access would remain from Park Chase. Car parking would be reduced to eight spaces, including 1 disabled space.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

Letters have been sent to the following neighbouring properties (17 in total): 1 to 4 Garton Close; 1 to 6 and 8 Paddock Close; 1 to 3 Bagnall Cottages; 206 and 217 Cinderhill Road and E. L. Hurt & Co, Occupation Road. A site notice was also posted. The initial consultation period expired on 11<sup>th</sup> February 2013.

##### **Original Plans:**

Three letters of objection have been received, expressing the following concerns:

1. The extension will overlook Bagnall Cottages and the size of the building will be imposing.
2. Bagnall Cottages are over 200 years old and listed. Bought this cottage for its charm and seclusion.
3. Impact upon property values.
4. Previous extension to rear already encroaches on privacy as now have a view of a fire escape and brick wall.
5. Potential noise from residents, staff and visitors. Staff smoking area is already close to house
6. Whether there will be adequate parking.
7. Impact on boundary fence.
8. Extension is too big.

##### **Comments on objections:**

- 1; 2; 4; 6; 7; 8. Addressed in main report.
3. This is not a material planning consideration.
  5. The position of the current staff smoking area (close to the fire exit from the last extension) is not to be changed and it is considered to be at an acceptable distance from neighbouring properties.

Letter received from Cllr Klein (ward councillor) objecting to the proposal on the following grounds:

1. Consider that the proposal would result in 3 Bagnall Cottages becoming severely overlooked. Also concerned that the extension would block light.

### Amended Plans:

Consultation period expired 29<sup>th</sup> March 2013.

One letter of objection has been received, expressing the following concerns:

1. Bagnall Cottages are Grade II listed buildings. Concerned about lack of natural light/daylight into the property which will reduce if the 2-storey extension goes ahead.
2. The back of the cottages are north facing nothing grows very well in this area of the garden and it is in shade almost permanently.
3. If the extension goes ahead the view out of the window will be wall and windows and overlooking from residents' bedrooms.
4. A fence may not have any benefit to the occupants as there is already a wall to the boundary.
5. There has already been an extension to the nursing home that overlooks the garden of 3 Bagnall Cottages.
6. The nursing home is on higher ground than Bagnall Cottages which will increase the view from them. Do not believe the revised plans make much difference to the initial planning submission.
7. There will be an increase in staff and additional visitors to the proposed 14 rooms which will potentially create parking issues as the nursing home has very few parking spaces.
8. There are no planning notices in the surrounding area.
9. Financial and emotional effect.

### Comments on objections:

- 1 – 7. Addressed in main report.
8. A site notice was displayed on Cinderhill Road on 21<sup>st</sup> January 2013 and neighbouring properties were notified by letter.
9. Noted.

Letter received from Cllr Klein (ward councillor) maintaining objections to the proposal and requesting that the application be considered at Planning Committee.

### **Additional consultation letters sent to:**

**Pollution Control:** No comments to make having undertaken an environmental assessment.

**Highways:** No objections. Agrees with the applicant's own parking survey that the car park does not get used to capacity. There are no known parking problems in the area and there is space on nearby roads for on-street parking if necessary. The proposed reduction in on-street parking spaces is not likely to cause on-street parking problems. Conditions are recommended to secure a travel plan, cycle parking, drainage and a construction management plan.

**Conservation & Urban Design:** No objections. The design of the extension is good quality and would complement the existing building.

**Housing Strategy:** No objection. The proposal increases the amount of communal space and activity areas for the residents and provides more space for staff.

**Tree Officer:** No objection subject to a condition relating to the method of works required around the existing trees on the site.

**Biodiversity:** No objection following the submission of a bat survey. It is recommended that an additional site inspection be carried out in the event that the development does not commence within two years.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Relevant to this application is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities. Complies.

CE1 - Community Facilities. Complies.

BE3 - Building Design. Complies.

BE10 – Development around Listed Buildings. Complies.

NE3 - Conservation of Species. Complies.

NE5 - Trees. Complies.

T3 - Car, Cycle and Servicing Parking. Complies.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of Development;
- ii) Design and Heritage Considerations;
- iii) Impact on Residential Amenity;
- iv) Traffic and Parking considerations.

### **Issue (i) Principle of Development (Policies ST1 and CE1):**

- 7.1 The proposed extension would provide further community facilities in terms of additional nursing care for the older population and specifically those suffering with dementia that can no longer safely stay in their own homes. Details submitted by the applicant's agent in support of the proposal states that they have just been awarded, by the Care Home Industry, the "Gold Standard" for quality of care it provides.
- 7.2 The site is located within a location that is easily accessible by employees and visitors by both bus and tram services, and adjacent to Primarily Residential Areas, which is considered to be a compatible use.

### **Issue (ii) Design and Heritage Considerations (Policies BE3 and BE10):**

- 7.3 The proposed extension would be of a scale and design to complement the existing building. It would be constructed of mainly glazing to the ground floor with through colour render to the first floor, and brickwork to match the existing building on the feature projecting bays. Overall the proposal is considered to represent an attractive, modern building which would allow plenty of natural light into the ground floor communal day areas.
- 7.4 There would be a minimum distance of 7 metres retained from the front boundary of the site to the proposed extension, this would prevent the proposal being overbearing on the streetscene and maintain an element of the open feel of the established garden area.
- 7.5 The application site stands adjacent to Bagnall Cottages, a grade II listed row of former miner's cottages constructed c.1800. The historic maps of the area reveal that the embankment for the Great Northern Railway line once ran east-west immediately to the north of the cottages. The application site was not part of the curtilage of the cottages and had no obvious functional relationship with them.
- 7.6 The extension's height and positioning would allow it to be seen in the same context as the cottages. However, the resulting visual impact would be mitigated to a certain extent by screening from vegetation. The proposed extension's building line is also considered to be set back sufficiently from Cinderhill Road to allow the cottages to retain a degree of prominence in the streetscene. As such it is not considered that the proposal would have any adverse impact upon the setting of these listed buildings.

### **Issue iii) Impact on Residential Amenity (Policies BE3 and CE1):**

- 7.7 The submitted amended plans show that the proposed extension would be a minimum distance of 20 metres from the closest elevation of the nearest neighbouring property (3 Bagnall Cottages). The proposal, whilst on slightly higher ground (1.3 metres), would be to the north of this property and as such it is considered to be a sufficient distance to prevent any loss of residential amenity through overbearing impact, overlooking or loss of natural light.
- 7.8 The boundary of the site with Bagnall Cottages is well screened with mature trees and whilst many of these are deciduous their trunks provide an element of screening throughout the year. In addition to this the applicant's are proposing to erect either a timber trellis or close boarded fence of 2 metres in height from their ground level, which could be done at any time under permitted development rights, to provide additional screening and privacy. The proposed distance (minimum 20 metres) between the elevations of the new build and the cottages, together with the cottage scale openings of Bagnall Cottages would prevent any loss of privacy through overlooking.
- 7.9 The proposed site plan is annotated with a terrace area immediately outside the lounge/dining room. This is only likely to be used on particularly warm days due to the needs of the residents, and as this area is established as garden it is not considered likely to result in any significant further loss of amenity through noise and disturbance.
- 7.10 The proposed communal accommodation within the nursing home would increase

that currently available and would provide a good level of amenity for existing and future residents.

#### **Issue iv) Traffic and Parking considerations (Policies T3 and CE1):**

- 7.11 The applicant has undertaken a parking study over 4 days which revealed that the on-site car park was never more than half full. There are no Traffic Regulation Orders (TROs) along Park Chase, Paddock Close or Occupation Road, whilst Cinderhill Road has bus stop clearways in operation 07:00 – 19:00. The applicant has also identified that the majority of staff live within walking distance of the Nursing Home, whilst there are multiple bus services along Cinderhill Road and the Cinderhill NET stop is approximately 5 minutes walk from the site. Therefore on the basis of the above it is not considered that the reduction in on-site parking spaces is likely to give cause to overspill parking on the adjoining highway network.
- 7.12 To ensure that sustainable methods of transport are encouraged for employees and visitors to the site it is considered reasonable to impose a condition requiring a travel plan to be produced and in place prior to first occupation of the new building, and information on appropriate cycle storage to be submitted for consideration prior to the commencement of development. Conditions are recommended to secure appropriate surface water drainage, construction management and a Travel Plan.

#### **Other Matters (Policies NE3 and NE5):**

- 7.13 A survey of the existing building has been carried out to see if it was suitable for roosting bats. No evidence of bats was found. An informative is recommended to recommend that a further survey is carried out in the event that the development does not occur within two years.
- 7.14 The proposal is acceptable in arboricultural terms, although it is considered necessary and reasonable to impose a condition requiring a method statement to be submitted prior to the commencement of development as a number of the existing trees are close to areas of excavation.
- 7.15 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.** In recommending the grant of planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.

### **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 The proposal would have large areas of glazing within the south elevation to harness as much solar gain as possible to reduce the demand on artificial lighting and heating.

### **9 FINANCIAL IMPLICATIONS**

None.

### **10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: providing additional living accommodation for the local community and providing high quality, well designed buildings.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

**16 List of background papers other than published works or those disclosing confidential or exempt information**

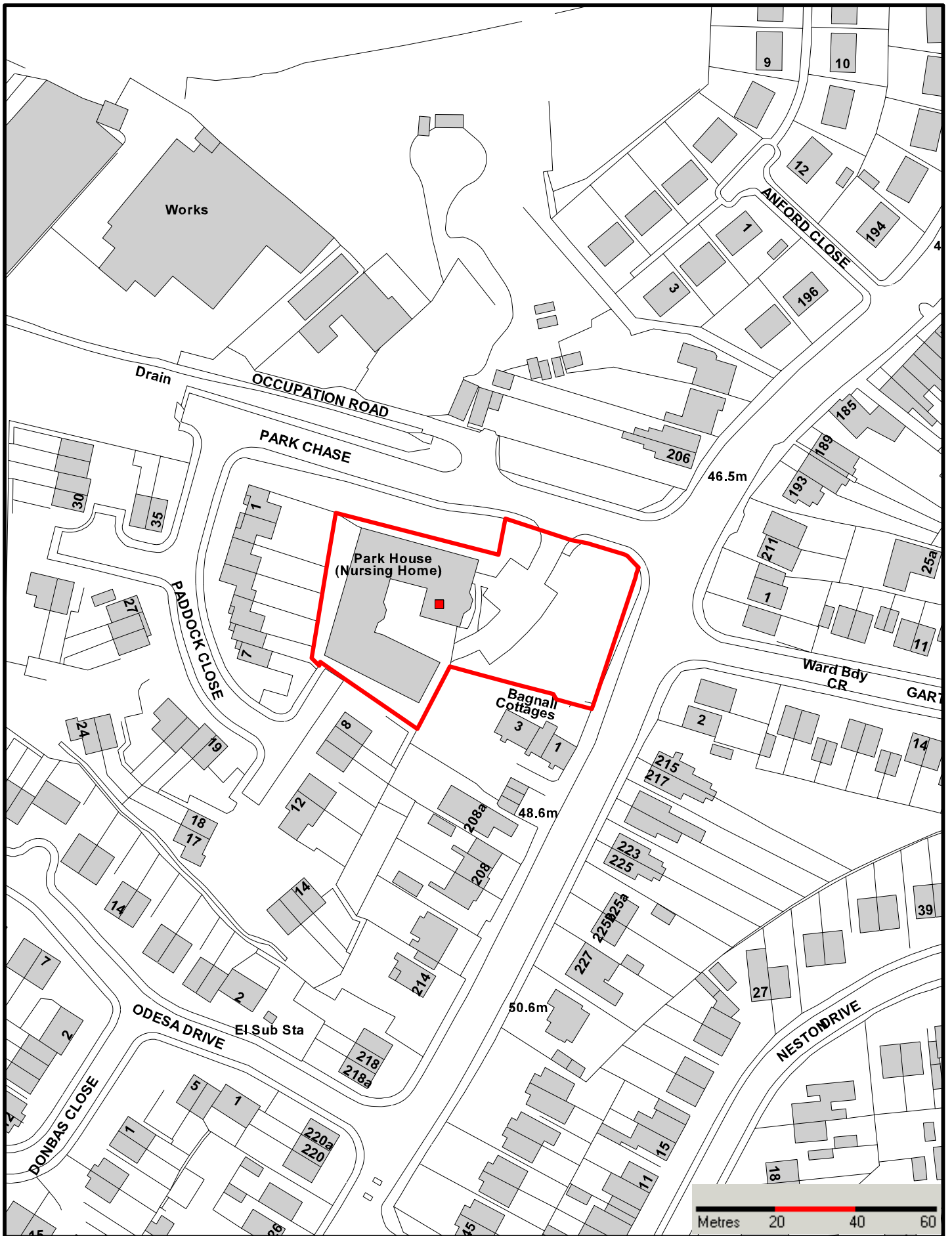
1. Application No: 13/00098/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00098/PFUL3>
2. Observations of local residents (x 4) dated between 30/01/2013 and 20/03/2013
3. Letters from Councillor Klein received 28/02/2013 and 18/03/2013
4. Observations of Highway Officer dated 26/02/2013 and 18/03/2013
5. Observations of Pollution Control Officer dated 22/01/2013
6. Observations of Tree Officer dated 18/01/2013 and 19/03/2013
7. Observations of Biodiversity Officer dated 21/01/2013 and 26/02/2013
8. Observations of Housing Strategy Officer dated 21/01/2013
9. Observations of Heritage Officer dated 26/02/2013

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

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**Park House Nursing Home, Cinderhill Road**  
**13/00098/PFUL3**



**Nottingham**  
**City Council**



**My Ref:** 13/00098/PFUL3

**Your Ref:**

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR PLANNING PERMISSION**

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Application No: 13/00098/PFUL3  
Application by: Eastgate Limited  
Location: Park House Nursing Home, Cinderhill Road, Nottingham  
Proposal: Two storey extension to create new entrance area, lounge/dining area, dayroom, 14 bedrooms and ancillary accommodation.

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Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*



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**Not for issue**

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3. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

4. No part of the development hereby permitted shall commence until details of all measures for the disposal of surface water have been submitted and approved in writing by the Local Planning Authority.

*Reason: To ensure surface water from the site is not deposited on the public highway in the interests of highway safety. in accordance with Policies BE2 and NE9 of the Local Plan.*

5. The development shall not be commenced until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the parking arrangements for construction staff and contractors, vehicle wheel cleaning arrangements and any other measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction traffic management plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.*

#### **Pre-occupation conditions**

(The conditions in this section must be complied with before the development is occupied)

6. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

*Reason: To promote sustainable travel. in accordance with Policy T3 of the Local Plan.*

7. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for cycle parking, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The designated area shall not thereafter be used for any other purpose other than the parking of cycles.

*Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.*

#### **Regulatory/ongoing conditions**

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

### **Standard condition- scope of permission**

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Plan reference 6950.P.10 revision B dated 16 October 2012, received 14 March 2013
  - Planning Layout reference 6950.P.11 revision A dated 16 October 2012, received 14 March 2013
  - Planning Layout reference 6950.P.12 revision A dated 16 October 2012, received 14 March 2013
  - Elevations reference 6950.P.13 revision A dated 20 August 2012, received 14 March 2013
  - Elevations reference 6950.P.14 revision A dated 20 August 2012, received 14 March 2013
  - Elevations reference 6950.P.16 revision A dated 20 August 2012, received 14 March 2013
  - Elevations reference 6950.P.17 revision A dated 20 August 2012, received 14 March 2013
  - Location Plan reference 6950.P.04 dated 22 October 2012, received 15 January 2013
  - Plan reference 6950.P.05 dated 8 August 2012, received 15 January 2013
  - Planning Layout reference 6950.P.06 dated 16 November 2012, received 15 January 2013
  - Planning Layout reference 6950.P.07 dated 16 November 2012, received 15 January 2013
  - Elevations reference 6950.P.08 dated 20 August 2012, received 15 January 2013
  - Elevations reference 6950.P.14 dated 20 August 2012, received 15 January 2013
  - Planning Layout reference 6950.P.15 dated 16 October 2012, received 15 January 2013

*Reason: To determine the scope of this permission.*

### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Advice regarding Travel Plans can be obtained from Matthew Price, Transport Planner on 0115 876 3947.

4. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

5. If your construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Network Management Service before you start. They can be contacted on 0115 876 5238.

6. In the event that construction work has not begun within two years from the date of this decision, you are advised that it would be prudent to have a further bat survey undertaken before starting work. It is the developer's responsibility to ensure that any legal obligations relating to protected species are complied with.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

**DRAFT<sup>4</sup> ONLY**  
**Not for issue**

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## **RIGHTS OF APPEAL**

Application No: 13/00098/PFUL3

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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## **Not for issue**