

# DCL/22/35

**Application No:** 22/0985/FH

**Location of Site:** Rose Cottage, Oak Lodge Road, New Romney, TN28 8BG

**Development:** Erection of bedroom annex in garden of care home comprising two single person suites each with bedroom, bathroom and living room.

**Applicant:** Wellgate Care Ltd

**Agent:** Fuller Long, The Grange, 1 Waverley Lane, Farnham, GU9 8BB

**Officer Contact:** Ross McCardle

## SUMMARY

This application seeks planning permission for the erection of a detached 'annexe' to provide two additional units of accommodation at an existing care home for adults with learning difficulties or physical disabilities. The proposed annexe would provide secure accommodation for residents with a degree of independence and help them transition to life away from the care home. The proposed building is of an acceptable scale and design, well sited and would not cause any unacceptable harm to local residential or visual amenity, the public highway or to the character and appearance or setting of the adjacent conservation area and nearby listed building.

## RECOMMENDATION:

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

## 1. INTRODUCTION

1.1. The application is reported to Committee because of an objection from New Romney Town Council.

## 2. SITE AND SURROUNDINGS

2.1. The application site comprises land within the garden to Rose Cottage.

2.2. Rose Cottage is a care home situated within the settlement boundary of New Romney. It is a single-storey property occupying a generous corner plot at the junction of Dymchurch Road and Oak Lodge Road. The property fronts on to Oak Lodge Road and has walls which enclose the rear garden. The existing building is of a simple design with white rendered walls and a clay tile roof.

2.3. The care home currently has 6 bedrooms and associated kitchen, bathrooms, dining room, and day room.

2.4. The property lies outside but adjacent to the Canon Street Conservation Area on its north-west and north-east boundaries. The neighbouring property to the north-west of the site, known as Millside, is a Grade II listed building.

2.5. The property does not fall within a flood zone.

2.6. A site location plan is attached to this report as **Appendix 1**.

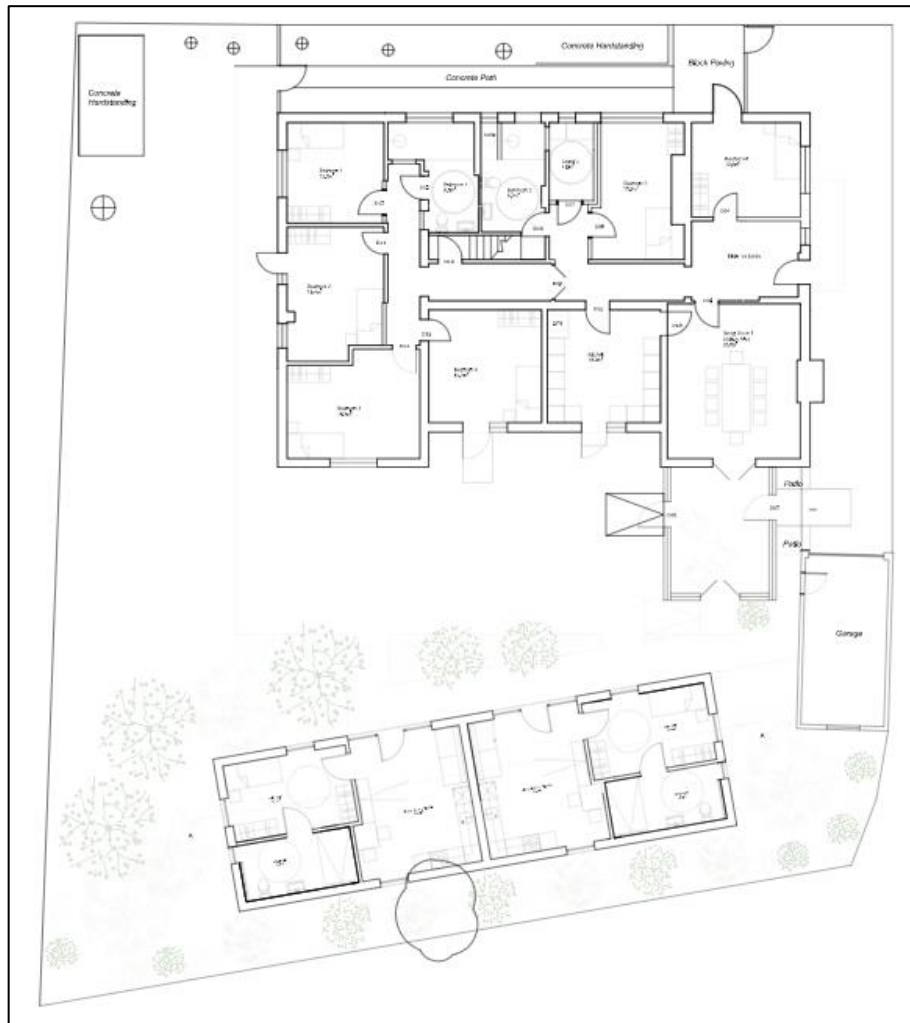
### 3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a single-storey annexe within the garden. (While referred to as an “annexe” the development in fact comprises a detached extension to the care home and not a residential annexe as one may expect at a private residential dwelling.)
- 3.2 The proposed building would be situated to the south-east (rear) of the main building. It would be single storey with a flat “green” roof, vertical timber cladding and render walls, and aluminium windows, and would measure a maximum of approximately 17.8m wide x 5.5m deep x 2.9m tall. Internally it would provide two units, each with a bedroom, bathroom, and open-plan lounge/kitchen area. The front doors would face towards the main building and patio area, and access would be from within the site.
- 3.3 The building would be positioned approximately 2m from the boundary wall adjacent to the A259 and planting would be retained / installed between the rear of the annexe and the boundary wall.
- 3.4 The submitted covering letter provides background to the application:

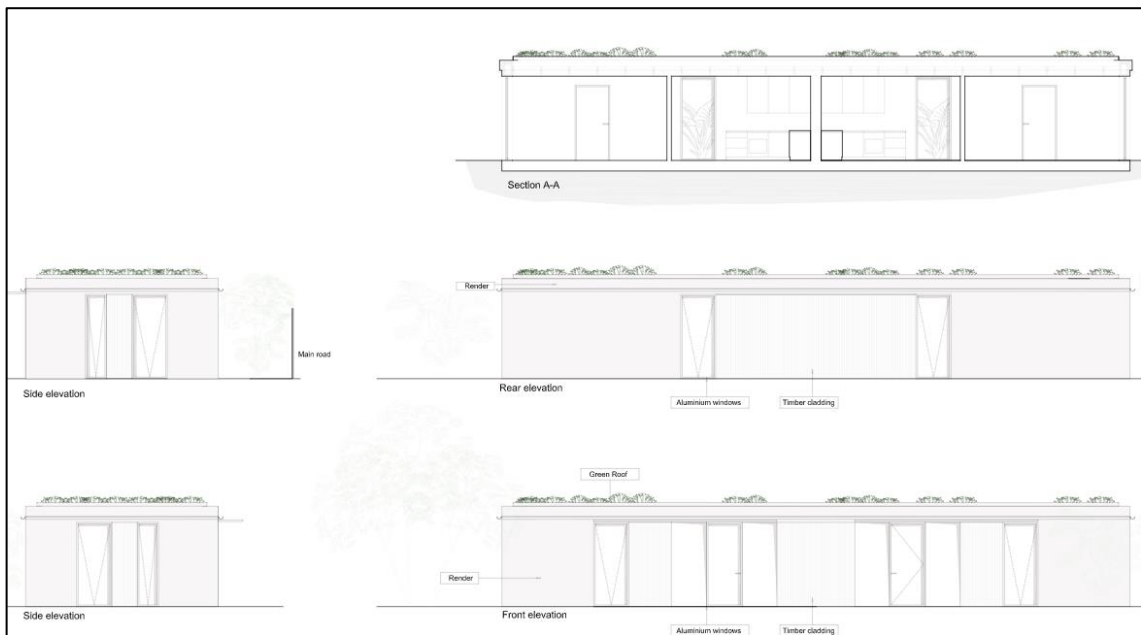
*Wellgate Care provides high-quality residential care and support services for adults with a wide variety of disabilities, including learning disabilities and physical disabilities. The company’s aim is to help all their residents to develop their personal skills, enhancing communication and increasing their independence and supporting them to have an enhanced quality of life.*

*The proposed annex provides two “lodges” offer residents the opportunity to further develop independent living skills and enhance their self-confidence. All residents received one-to-one care hours according to their need with the reassurance that additional support is available 24-hours a day.*

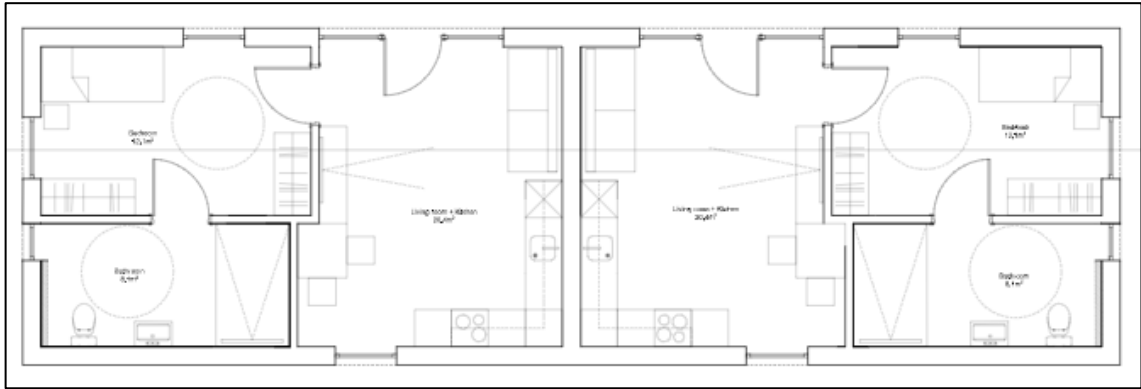
*The development of the proposed lodges at Rose Cottage will allow Wellgate Care to provide a greater range of accommodation for residents with varying levels of independence. The lodges will be used by residents who are hoping to move away from residential care and into a more independent way of living. They will act as a stepping-stone towards independence where a resident may one day have the choice to live in a home of their own.*



**Fig.1: Proposed site plan**



**Fig.2: Proposed elevations and section**



**Fig.3: Proposed floor plan**



**Fig.4: View of site from Dymchurch Road**



**Fig.5: Application site**



**Fig.6: Rear of care home**

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

21/2524/FH	Erection of an annexe to provide two independent living units	Withdrawn
Y07/1625/FH	Erection of a front/side conservatory	Approved
Y00/0117/SH	Erection of a single-storey front extension	Approved
90/0442/SH	Change of use to residential care home.	Approved

4.2 Of most relevance to the current application is 21/2524, which sought planning permission for a similar annexe but positioned to the southwest of the existing building. The application was withdrawn following officer concerns in regards the position of the new building and its impact upon the amenity of neighbouring residents and the adjacent listed building. The current scheme is a re-submission further to pre-application discussions between the agent and planning officers.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**New Romney Town Council:** recommend refusal, “*fails to comply with policies HB8 – part 2 [and] HB9 – part 1 and part 3.*”

### Local Residents Comments

5.2 Five neighbours directly consulted and a site notice posted. Two letters of objection received in response.

5.3 I have read all the letters received. The key issues are summarised below:

### Objections

- Lack of parking.
- Highway safety and amenity.

5.4 Responses are available in full on the planning file on the Council’s website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2022.

6.2 The relevant development plan policies are as follows:

### Core Strategy Local Plan (2022)

SS1 (spatial strategy)

CSD8 (New Romney strategy)



## Places and Policies Local Plan 2020

HB1 (general criteria)  
HB8 (alterations and extensions)  
C2 (safeguarding community facilities)  
T2 (parking standards)  
CC1 (reducing carbon emissions)  
CC2 (sustainable design and construction)  
HE1 (heritage assets)

6.3 The following are also material considerations to the determination of this application.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

## **7. APPRAISAL**

7.1 In light of the above the main issues for consideration are:

- a) Principle of development
- b) Design/layout/visual amenity
- c) Heritage
- d) Residential amenity
- e) Highway safety and amenity

### **a) Principle of development**

7.2 The application site lies within the defined settlement boundary of New Romney, where development is broadly acceptable in principle.

7.3 The scheme also proposes works to support an existing care home and provide facilities to assist with the requirements of their residents. In that regard the proposal can be viewed as supporting or enhancing an existing community facility, which is also supported by adopted planning policy.

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- 7.4 While the application refers to the proposal as an annexe the development is in fact for a detached extension to an existing care home / community facility, and not for an annexe to a private additional accommodation at a private residential dwelling. Therefore, while policy HB9 provides guidance in regards private residential annexes, it is not relevant here as the application site is not a dwelling. The principal policy consideration in terms of the principle of this development is C2, which aims to protect and enhance community facilities.
- 7.5 The proposed extension would provide independent accommodation for disabled persons within the garden of the existing care home, providing occupants with a degree of independence near support from carers and staff within the main building. As set out within the supporting statement (see para. 3.4 above) this degree of independence will help resident transition towards independent living in their own home. It is considered that this is reasonable justification for a detached building in this instance. It is also noted that an attached building would require reorganisation of the existing property's internal layout or be positioned closer to neighbouring properties with greater potential for harm to residential amenity and disturbance to existing residents.
- 7.6 The principle of development, and the principle of a detached building is therefore acceptable.

## **b) Design / layout / visual amenity**

- 7.7 The proposed building is of a simple design with a rectangular plan form, flat roof, and rendered elevations with vertical timber detailing. The design and use of materials is considered acceptable and the building would sit comfortably within the context of the site, the existing property (which is a simple contemporary bungalow of no particular design merit or importance), the nearby conservation area, and street scene views from the A259.
- 7.8 While the building would be set to the rear of the care home, closer to Dymchurch Road, it is noted that there is no particular set building line along Dymchurch Road and in that respect a structure here would not be incongruous. The location of the proposal also sets it away from the care home to provide a small degree of independence for residents, and away from neighbouring properties to minimise the potential for harm to their residential amenity.
- 7.9 The flat roof design keeps the overall height of the building low, and it would not be a prominent or overbearing structure either within the site, or from surrounding public vantage points. The green roof would also help the structure to blend into surrounding vegetation and further reduce its prominence. A condition is required to secure long-term maintenance of the green roof and a landscaping condition would secure additional or replacement planting to the rear of the building which would help to screen views from Dymchurch Road.
- 7.10 Overall officers consider that the development would not be harmful to visual amenity.

## **c) Heritage**

- 7.11 The NPPF paragraph 197 sets out what should be considered when determining applications that affect heritage assets and the importance of enhancing their

significance. In this case the heritage assets are the conservation area and the listed building. The impact on the setting of both has been considered below.

7.12 The application site lies adjacent to but not within the conservation area, and there is a listed building immediately to the north of the existing care home building. The proposal has been sited so as to be set away from these sensitive heritage designations, in order to minimise potential harmful impacts upon their setting. The scale, design, and siting of the building is considered acceptable and officers do not consider it would cause any harm to the character and appearance of the conservation area, or to the special historic interest of the listed building. The setting of both assets would be preserved given the relative small-scale nature of the proposals.

#### **d) Residential amenity**

7.13 The proposed building would be set away from neighbouring properties and would be single-storey. It would therefore not give rise to any unacceptable degree of overshadowing or loss of outlook. The position of the new windows and their relationship/ distance from neighbouring properties would ensure that no overlooking or loss of privacy would arise from the development. It is also considered that the building is far enough away from other rooms in the care home that it would not affect the amenities of the existing residents.

7.14 It is considered that the proposed units would provide acceptable space for future occupants to live with a degree of independence from the existing care home facility. There are therefore no objections on these grounds.

7.15 There would be a large garden area remaining for the care home after erection of the building.

#### **e) Highway safety and amenity**

7.16 The property already functions as a care home and in that regard, there are already staff travelling to the site on a regular basis using the existing access and parking arrangements. The provision of two bedrooms within the extension would not give rise to any unacceptable additional impacts upon highway safety and amenity. Local parking pressures are noted but the addition of two bedrooms would not seriously affect that to the degree that permission could reasonably be refused, and it is noted that the property lies within a sustainable urban location where it can be reached by walking, cycling, or public transport. While local concern is noted this is not considered to be a reason for refusal. It is also considered that any issues arising from additional comings and goings of the proposed building would not result in any significant harm to the surrounding area. There are therefore no objections on these grounds.

### **Environmental Impact Assessment**

7.17 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

### **Local Finance Considerations**



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- 7.18 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.
- 7.19 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £58.86 per square metre for new residential floor space; the current proposal is not liable for CIL.

## Human Rights

- 7.20 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## Public Sector Equality Duty

- 7.21 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## Working with the applicant

- 7.22 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

- 8.1 This application seeks planning permission for the erection of a detached extension to provide two additional units of accommodation at an existing care home for adults with learning difficulties or physical disabilities. The proposed development would provide

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secure accommodation for residents with a degree of independence and help them transition to life away from the care home, thereby enhancing the services provided by this existing community facility. The proposed building is of an acceptable scale and design, well sited and would not cause any unacceptable harm to local residential or visual amenity, the public highway or to the character and appearance or setting of the adjacent conservation area and nearby listed building.

8.2 Taking the above into account the application is recommended for approval.

## 9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## 10. RECOMMENDATIONS

**That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with drawings 1419 00, 1419 10, 1419 20 rev A, 1419 30, and 141940 rev A.

Reason: For the avoidance of doubt.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. loading and unloading of plant and materials.
- ii. storage of plant and materials used in constructing the development.
- iii. measures to control the emission of dust and dirt during construction.
- iv. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the area and highway safety and convenience.

4. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo

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voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

5. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted 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: In the interest of visual amenity and the character and appearance of the adjacent conservation area.

6. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, an implementation programme, and a programme of long-term maintenance for the green roof.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours

Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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10. The annexe/ building hereby permitted shall not be occupied at any time other than as part of the primary care home use of the property known as Rose Cottage, Oak Lodge Road, New Romney, or for purposes incidental and/or ancillary to use of that property.

Reason: As use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.