

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H16-0868-19	Applicant:	Tanglewood Care Homes Ltd
Proposal:	Proposed Annexe Buildings		
Location:	Tanglewood Cedar Falls Little London Spalding		
Terminal Date:	17th January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPG

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposed Annexe Buildings - Eight single storey chalet type dwellings. The application proposes detached "log cabins", connected to the mains sewer via a new connection, with surface water being discharged to an existing watercourse/system.

The agent has supplied additional justification with regard to siting within Environment Agency Flood Zone 3 and the impact on important trees.

Additional parking is suggested by the revised plan submitted, as 14 spaces to the front of the existing host building would be lost to this proposal.

Site Description

The care home is a detached "H" shaped building with associated structures and parking, set in gardens accessed via a drive from Little London.

The host building is set back into the site and is glimpsed from Little London via the access drive. There are a number of mature trees on the site, within the established garden surrounding the property.

The site is surrounded to the south, east and west by dwellings. This part of Spalding is an established residential area, characterised by a mix of dwelling types and sizes.

To the north-east are bungalows within Westminster Drive, which have short gardens adjoining the side of the care home and are most impacted by this development.

The site is within the settlement boundary of Spalding (as set out in the South East Lincolnshire Local Plan, 2019) and located within Environment Agency Flood Zone 3.

History

H16-0869-19 - Part single-storey, part two-storey extension and alterations. Under consideration.

H16-0721-19 - TPO - Works to Spalding Tree Preservation Order No 46 1991. Approved 19-09-19.

H16-0566-18 - Building to house a biomass boiler system and pellet storage. Approved 16-11-18.

H16-0932-11 - Two Storey extension to care home. Approved 01-02-12.

H16-1333-02 - Erection of 5 care cottage bungalows and associated parking. Refused 03-11-03. Appeal dismissed. 16-04-04.

H16-0854-02 - Erection of 6 care cottages and associated car parking. Refused 04-09-02.

H16-0563-93 - Erection of three sheltered bungalows (Plots 9A, 10 & 11). Approved 10-08-93.

H16-1045-92 - Erection of eleven sheltered bungalow units in association with adjacent nursing. Approved 26-11-92.

H16-0763-92 - Erection of 15 sheltered bungalow units in association with adjacent nursing home. Refused 28-09-92.

H16-1321-91 - Erection of 13 no. sheltered bungalow dwellings. Refused 27-03-92.

Consultation Responses

SHDC Environmental Protection

Suggests condition to control construction management to minimise disturbance during the construction process.

Conservation Assistant (Tree Preservation)

Raises objection, set out below.

The thought of elderly people housed under or in very close proximity to trees; which as they are subject to a Tree Preservation Order WILL REMAIN; causes concern.

If such a development is given permission then there will be repeated applications for tree work, and pressure to have mature trees removed. This is an un-acceptable position to arrive at in the first place.

It is likely the annexe buildings/log cabins would be frequently shaded, possibly retaining damp, not good for wooden structures and need very regular gutter clearance to remove detritus fallen from the trees, unless a successful type of gutter guard can be found.

Paths would need very regular cleaning to remove detritus from the trees, to control slip hazards.

No doubt there would soon be complaints of bird mess on both the buildings and paths, and health concerns; from birds roosting and nesting in the trees; and vermin under the cabins.

With regard to the effect such a development would have on the trees should it go ahead: Trees are living organisms like you or I, they are not static inanimate items. Over time they grow and gradually decline. Account needs to be taken of the growth potential of the trees on the site when locating the proposed log cabins.

The physical act of manoeuvring the log cabins in place is likely to cause compaction of soil which could damage roots both in the long and short term and canopy damage.

In British Standard (BS) 5837:2012 '5.3.1 The default position should be that structures (see 3.10) are located outside the Root Protection Areas (RPAs) of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s).' In this instance there is no 'overriding justification for construction within the RPA'.

It is noted that the constructions are 300mm above ground level, so the actual log cabins themselves would cause minimum direct root damage. No doubt they have to be anchored at some points or they will blow away in a gale.

The physical result of the structure shading the ground from rainfall is likely to have an effect on the tree(s); also the shading effect will prevent detritus falling immediately on to the ground; breaking down and providing food for the roots to absorb; aeration of the soil may also be affected due to earth worms tending to be less active in dry soils.

The infrastructure to support the log cabins and their residents are likely to be very damaging to the trees. Wet rooms do not exist without pipes to take the water away, by the nature of drainage this will involve excavations within RPAs, similarly the toilets, and sinks all connect to underground pipework as do gutters.

Other services may well require excavations too.

The whole drainage of the site is likely to be altered to accommodate such dwellings affecting the

Preserved trees.

In conclusion:

The proposal is not compatible with the long term health of the trees subject of Spalding Tree Preservation Order No. 46 1991.

The importance of trees and the natural environment as a factor having a positive effect on health and wellbeing is widely publicised at the moment. For the more able residents of Tanglewood Cedar Falls the pleasant environment created by the 'parkland ' on the frontage of their home may well have health benefits, it would be a shame to damage it.

General considerations with regard to development near significant trees:

a) For paths, driveways, roadways and parking spaces in the 'Root Protection Area' of Trees (Please see British Standard 5837:2012), a 'No Dig' method of construction should be used. A cellular confinement system filled with gravel or other permeable filling is likely to be appropriate as a surface treatment to help prevent compaction of soil over tree roots and allow the free flow of water and oxygen. In some circumstances this may be used in conjunction with rubberised porous paving materials.

Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12

Driveways Close to Trees.

b) All trees should be protected to British Standard BS 5837: 2012 before any heavy equipment is brought on site for clearance. This is to protect tree canopies and also their roots. The roots can easily be damaged due to the effects of soil compaction, which can alter the amount of oxygen and water which reaches them. Feeder roots are generally in the top 18 inches of soil, and there is often a concentration of roots near the canopy drip line. If encroachment in the Root Protection Area can not be avoided, a ground protection product should be used to prevent ground compaction.

c) Cement washings must not be deposited and no equipment should be stored beneath the canopies/ Root Protection Areas of trees, nor fires lit beneath trees.

d) Service trenches should not be constructed under the canopies/ Root Protection Areas of trees.

e) New drains and soak-aways should be avoided under the canopies/ Root Protection Areas of trees.

f) Archaeological excavations should be avoided below the canopies/ Root Protection Areas of trees.

g) In the unlikely event that excavation under the tree canopies/ Root Protection Areas of trees is unavoidable, please note:

i) Where excavations below the canopy of the tree or within a Root Protection Area are unavoidable, excavations must be carried out by hand and any roots encountered over 25 mm in diameter should be retained. (Where possible, smaller roots should also be retained and great care taken to minimise damage to them). If severance is unavoidable, roots must be cut back using a sharp tool to leave a clean wound to encourage healing.

ii) Exposed roots must not be allowed to dry out during works.

iii) Should the roots be exposed overnight with the likelihood of frost, they must be covered / wrapped with dry sacking for protection. All sacking should be removed before the trench is backfilled.

h) Backfilling.

When backfilling with soil; care must be taken to protect the roots.

i) In a highway situation, or where tar macadam or a hard surface is being laid, (which is unlikely to be of relevance to the proposed development), the addition of a granular material mixed with the topsoil or sharp sand (not builders' sand as it is too fine) around the retained roots is suggested. This should allow the surface to be compacted for resurfacing without damage to the roots, and should secure a local aerated zone enabling the roots to survive in the longer term.

ii) In a non highway situation or where tar macadam or a hard surface is not being used, excavated soil should be backfilled and be lightly 'tamped' and usually left 'proud' to the surrounding surface to allow natural settlement.

iii) In some circumstances trenches should be backfilled and compacted by hand to minimise the damage to tree roots.

iv) Please refer to National Joint Utilities Group (NJUG) 'Guidelines for the Planning Installation and Maintenance of Utility Services in Proximity to Trees'.

i) The soil levels should not be altered around the base of trees. An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth. It can also increase the distance for water / gaseous exchange to the tree's roots. Obviously a lowering of the soil level can expose tree roots. Both can be detrimental to the health of the tree.

j) Foundations must take into account the presence of existing trees in their mature form, and of those planted as part of any landscaping scheme.

k) The layout of the proposed development should reflect the requirement for protective fences to be placed at a distance no closer than at least one metre outside of the maximum canopy spread of the tree or as detailed following calculation of the Root Protection Area to comply with British Standard 5837: 2012, as above.

l) Some species of Acers, e.g. Sycamore, and Tilia (Lime) are prone to infections by aphids in the summer months. The aphids produce a honey-dew substance which drips to the ground. This may be a consideration if long term parking is envisaged, or a patio area or conservatory is being considered.

m) A Tree Works Application must be made to carry out works to trees which are the subject of a Tree Preservation Order, similarly a Conservation Area Notification must be made for works to those trees which are not the subject of an Order but are within a Conservation Area. All tree works to be carried out to British Standard 3998 2010.

LCC Highways & SUDS Support

No observations.

Environment Agency

Object in principle.

The Environment Agency were reconsulted as a result of the additional information forthcoming to support the application, and maintain their objection, considering that despite the views expressed within the additional information received, the use is considered to be *highly vulnerable*, is not compatible with this Flood Zone and should not be permitted.

Police Crime Prevention Design Advisor

Do not have any objections.

Third Parties - one objection received.

- Excessive noise and disturbance
- The proposed building will overlook property causing a privacy issue.

Planning Considerations

Principle of development

The application site is within the settlement of Spalding, and the host dwelling is an established business and residence. The application is required to be considered in the light of other constraints upon the site, which are addressed below.

Flooding and drainage

The application site is within Flood Zone 3a. The proposed use would provide separate buildings of single storey residential accommodation at ground floor level, within single storey structures. The residents of the site are considered to be highly vulnerable, being elderly and living within specialised accommodation.

The applicant has been given the opportunity to provide additional information regarding flooding, amongst other matters, and provided a supporting note prepared by Ellingham Consulting Ltd. The note considers that the use is a *more vulnerable* use as part of the residential care home and evacuation arrangements and refuge would be provided by the care home.

The form of the development however would be under the management of, but physically unconnected to, the host building, and as such is more appropriate to be considered to be a *highly vulnerable* use, particularly at any time of emergency, when the cabins may not be accessible to the staff located within the host building if evacuation proves necessary.

The proposal is therefore unacceptable in principle.

Impact on residential amenity

It is not considered that the development would impact unduly on adjoining residents. The single storey buildings would not result in overlooking.

Access

Access to the site would be via the existing access from Little London, which enables safe connection to the highway for vehicles and pedestrians.

Parking

This proposal would create further residential accommodation and would be occupied in addition to the residents of the host building. Although there would be additional traffic generation as a result it is considered that it would be unreasonable at this time to request further parking to be provided on the site as a result of this development.

Impact on TPO trees

The buildings would be located beneath the canopies and over the root systems of trees covered by a Tree Preservation Order.

As can be seen from the consultation response above from the Council's Conservation Assistant (Tree Preservation), this application would not provide a form of development that can be accommodated within this location, a result of the impact it would have upon the trees. These trees provide a healthy and valuable contribution to the wider public realm as well as the setting of the host building. As a result of the considerations of the Conservation Assistant (Tree Preservation), this application is recommended for refusal by reason of detrimental impact on trees.

Conclusion

This application is recommended for refusal as a result of the considerations set out above.

Opportunity has been given for the application to be withdrawn, which was not taken up, and thus a determination is appropriate.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to approve details in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation to approve details in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.