

Planning and EP Committee

Application Ref: 21/01015/FUL

Proposal: Change of use from dwelling (Class C3a) to a Residential Institution Use (Class C2) with associated alterations to driveway access

Site: 4 Debdale, Orton Waterville, Peterborough, PE2 5HS

Applicant: Mrs J Payne
Achieve Together

Agent: Mrs Jennifer Hughes
Consult Construct Ltd

Site visit: 08.09.2021

Case officer: Mr Asif Ali

Telephone No. 01733 4501733 207123

E-Mail: asif.ali@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site is located within a cul-de-sac located off New Road leading from Cherry Orton Road. The surrounding area is mostly of a residential character. The application site is located within the Orton Waterville Conservation Area. To the rear of the application site there are a number of listed buildings including the Grade II listed Rectory Farmhouse on Cherry Orton Road.

The property is currently a 5-bed detached property with an attached garage and is set off the public highway providing parking and turning space to the front of the application site.

Proposal

The application site seeks permission for the change of use from a dwelling (Class C3a) to a residential institution use (Class C2) with associated alterations to driveway access. Within the proposed C2 use the application specifically seeks to change use for the provision of residential accommodation and care to people in need of care (ie. care home).

The C2 use also includes use as a hospital, nursing home, residential school, college or training centre. But a condition will be appended onto the decision notice to restrict use to the care home use as mentioned above.

The arrangements for the care home, as outlined in the Design and Access Statement are proposed as follows:

- The proposal will accommodate 5no. adults
- Two self-contained units are provided to enable temporary supported independent living for residents prior to establishment elsewhere in the community once the necessary skills are achieved
- 6 members of management/support staff supporting service users on a 24 hour basis
- There will be staff office accommodation but no sleep-in facilities
- The level of care provided may vary from an 'at home' level to a 'personal care' level. So, the proposal can provide a level of care varying from providing some support to residents who can operate with a level of independence to a more intensive level of care which would provide support to residents in more basic living needs.

The proposal includes 2 bedrooms and 2 self-contained units (each containing one bedroom) at first floor level with a further bedroom at ground floor level.

The proposal does not propose any external alterations to the application site.

The proposal was revised providing a 3m wide access and 2mx2m visibility splays which was provided with the reduced 600mm height of the wall adjacent to the access.

2 Planning History

Reference	Proposal	Decision	Date
21/00345/FUL	Change of use from dwelling (Class C3a) to a Residential Institution Use (Class C2)	Withdrawn by Applicant	14/05/2021
07/01397/TRE	Fell and remove one Ash tree of TPO 8_72	Permitted	16/10/2007
03/00337/FUL	Two storey rear extension	Permitted	02/05/2003
02/01575/TRE	Reduce crown of Ash tree by 40 per cent – TPO 8.72	Permitted	12/12/2002

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Local Plan 2016 to 2036 (2019)

LP08 – Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing – Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP13 – Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 – Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use

appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 – Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 – The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP29 – Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

4 Consultations/Representations

PCC Peterborough Highways Services - Objection

Initial

Can you request the Applicant amends the proposal as follows:

- The access is a shared access and therefore the access should be 5m wide, sealed and drained
- The boundary feature either side of the 5m wide access should include 2mx2m pedestrian visibility splays with no obstruction above 0.6m
- I accept the agent's comments in respect of the on-site parking provision, however to ensure the parking layout is used as intended, the parking area should be hard paved and demarcated. The gravel parking layout is likely to result in informal parking and possible demand for on-street parking.
- One of the parking bays should be suitable for disability parking, the other parking bays should be dimensioned at 5mx2.5m with an isle width of 6m or greater.
- The parking and access should be drained to prevent surface water runoff into the public highway. Permeable paving for the access and parking areas is recommended.

Final

The LHA requires the following additional information:

- Fully dimensioned and scale drawings clearly showing all parking bay dimensions and visibility splays for vehicle/pedestrian (2m x 2m) and vehicle/vehicle (2.4m x 43m)
- Swept path analysis for vehicles entering and exiting the site in forward gear and for vehicles parking within the site

- The entrance is to be shared by pedestrians and vehicles and must be at least 5.5m wide
- The relocation and closure of the access, and new access require construction details to be provided.

Orton Waterville Parish Council - Objection

- Appears to be a commercial venture in a residential and conservation area which is inappropriate and out of keeping with the area
- Triple glazing is being proposed at this property which implies that there will be higher noise levels coming from the property in a quite small residential street which may cause distress to neighbouring properties, which has been seen in a neighbouring street from a similar scheme.
- More traffic from employees and visitors to the property which will have an impact on neighbouring properties especially as Debdale is a narrow cul-de-sac.
- Restrictions on the Land Registry Title Register of this property which states no business use from the property and not to use the land for any purpose which may be or may grow to be a nuisance or annoyance to the Company or to the owner or occupiers of any adjoining property.

Parish Council continues to object to the application and any amendments to the plans do not change their earlier comments and objections.

Councillor Julie Howell – Objection

- Myself, Cllr Knight and Cllr Day are very disappointed to see this revised application, having objected when the plans were originally presented.
- Do not share the applicant's view that Debdale is a suitable location for this facility, and we do not believe that there is a presently a need for it within the unitary authority, concerned that it would be utilised by residents from other local authorities.
- Debdale is a quiet residential street that is used by children who attend Bushfield Academy as a pedestrian route. The application states that staff won't sleep on site, which seems to imply they will be working in shirts thus increasing the amount of traffic on this very quiet residential street.
- Concerned that the applicant has not heeded the feedback from local residents, the majority of whom object most strongly.
- Nor has the application sought dialogue with the three ward councillors or the 13 parish councillors who represent local residents.

PCC Tree Officer - No Objection

The application is acceptable in Arboricultural terms, subject to a condition securing the protections and measures set out within the submitted Arboricultural Method Statement.

PCC Conservation Officer - No Objection

The proposals are for the change of use from class C3 to C2, however it is noted that this is still a form residential use. This is considered an appropriate use for residential area of Orton Waterville Conservation Area.

There are no proposals to alter the external appearance of the dwelling and any changes in traffic levels will be immaterial and to not affect the tranquility of setting.

The proposals are not considered to be detrimental to the setting of the Orton Waterville Conservation Area.

The proposed amendments to the wall are considered an acceptable compromise which ensure that the opening is kept to a minimum width, while also retaining its character.

It is strongly suggested that the stone from the existing wall is reused. This will both less en the cost of the works but also ensure that the stone matches in terms of grade and weathering.

Adult Social Care – No objection

Initial

Following the dialogue with the Applicant PCC Commissioners can confirm that:

- The proposal is in-line with the development of the current draft all-age Autism strategy which has identified a need for specialist support services for autism needs to be developed locally and appropriate housing needs to be sourced
- The draft strategy has identified approximately 8,700 people in Peterborough and Cambridgeshire with Autism, expected to increase to 9,300 particularly for those in the over 25 age bracket
- In the 0-25 Disability Service there are currently 9 individuals who would meet the criteria of which 2 are actively looking for accommodation. In the Adult and Autism Team in Cambridgeshire there are 4 individuals currently looking for accommodation.
- However, PCC has been unable to identify specific demand at this time, there is 1 individual who is currently being assessed by the Applicant as to their suitability for the proposal. There is currently no other provision suitable for the individual.
- Applicant has advised that pricing is based on the individual and no financial discussions have taken place. Any rates charged to PCC must be in line with current framework agreement and subject to affordability criteria.
- The Cabinet Member for Adult Social Care and Ward Councillors have been contacted regarding the proposal, the comments from the ward councillors are below:
 - o We, the three ward councillors for the ward and Orton Waterville Parish Council, are strongly opposed to this application.
 - o The site is a residential property in a quiet, residential area. The local residents strongly oppose this application due to the additional traffic and altering the character of Debdale. Debdale is a quiet route that services as a main pedestrian route for children walking from the village to Orton Bushfield Academy.
 - o Also, very concerned that PCC probably cannot supply sufficient residents for the business to be viable so it is likely that those occupying the facility will be from other local authorities.
 - o We do not accept that the applicant has sufficiently consulted local residents. We have not heard from a single local resident who is happy about the plans and most are concerned and distressed.

Final

This application is for a provision of services for people with complex needs who will inevitably present with challenging behaviours which may cause disruption to the local community. There has not been any community engagement in the local area to determine the impact for a provision of this type.

Beyond this there are no specific objections.

Children's Commissioning - No Comments

Local Residents/Interested Parties

Initial consultations: 13

Total number of responses: 19

Total number of objections: 19

Total number in support: 0

Two consultations were carried, the original consultation received 12 comments from 10 different addresses, all in objection to the proposal.

The revised consultation received 7 comments from 6 different addresses, all in objection to the proposal.

Original consultation – Objections:

- At times of staff changing there will be 12 cars plus visitors, this is not possible in the restricted area of parking within the site and will therefore result in parking on the road which is not wide enough for two cars to pass so parking will be on the pavement.
- Request that this application is put to the Planning Committee and would welcome the opportunity of showing them my concerns personally as safety should be paramount in the consideration of this application.
- Not enough parking for this business to operate in this location.
- Increase in traffic from both staff and supply vehicles which will impact on local residents adversely.
- Websites frequently mention the many issues with management problems, poor pay, frequent staff turnover and dissatisfaction cited.
- If this application does go ahead, and problems arise, where do neighbour raise their concerns?
- This location is not suitable for such a facility.
- Changing the entrance way to No.4 will still not prevent cars visiting the property from parking outside of the boundary of the site.
- The kerbside is much higher on the Debdale side of the road at the application site so cars will park on the side of the road with the lower kerbside (New Road) and will impact other vehicles trying to pass in the already narrow road.
- Proposal will result in increased noise, vehicles and people over a longer period of time during a 24 hour period.
- The access is inappropriate and will result in an adverse impact on neighbouring properties.
- No mention of the drainage/surface water diversion which is located next to the proposed new drop kerb or its impact on the flow of surface water to the drain across the road and potential for all water to flow across the road towards 9 New Road car parking space and foot gate access, should the other point become overwhelmed.
- No mention of tactile paving at the new entrance to alert current residents of the area who are partially sighted of the change in entrance way point.
- Parking spaces do not meet modern car standards with a length of 4.8m.
- Total of 9 parking spaces required not 8.
- The proposal for a 20 minute window for certain staff to leave early to prevent congestion in the property is not a realistic arrangement.
- The new proposed parking arrangement does nothing to reduce the flow of traffic to this cul-de-sac as shift handovers will still need to take place and resident services required to attend the property.
- Commercial activity not suitable to this cul-de-sac.
- Local employment as mentioned by the application cannot guarantee no use of cars turning up to the site.
- Limited bus availability.
- 'Technical Transport Notice' is inaccurate as the road does not have footpaths either side of the road along its entire length, it is also not 5m in width.
- New Road/Debdale experiences a relatively high volume of traffic to the side of the roadway with normal flow of resident and refuse collection traffic.
- The road is also commonly used by individuals for school and sport drop off/collection traffic due to the close proximity to the playing fields and schools. This is both during the working week and at weekends.
- Proposal would result in an increase in vehicles using Mill Crescent as a turning location which will result in exacerbated degradation to the gravel track and impact to the residents. The fences of both 9 New Road and 1 Mill Crescent have been damaged/knocked over by large vehicles and lorries in the past year alone, when incorrectly used as a turning location.
- The cul-de-sac which the site is located on (New Road/Debdale) has a very narrow access point (single carriageway from Y junction from Cherry Orton Road) to the intended property. Access will be further impacted should traffic and parking on roadway increase. This will lead to additional costs to the council for maintenance of the New Road/Debdale road.
- Due to an increase in activity on this road there will be an increased risk to domestic users and pedestrians of collisions.
- Minor increase in air pollution from hazardous fumes from traffic movements/idling outside the property at 4 Debdale.

- Signage type is not mentioned anywhere on the plans, this may detract from the conservation area aesthetic.
- No mention of fire safety arrangements and if additional fire escapes are required, this will impact on the visual aesthetics of the conservation area.
- No security arrangements mentioned to ensure the safety of the care facility residents and local residents.
- No pre-application consultation has been carried out with local residents.
- Front wall is within the conservation area and should be protected. Removing the wall would also damage the large grass verge and footpath outside of the property.
- A Covenant in the Deeds to the properties maintains that no business of any kind may be transacted.
- The road is also used by children attending Orton Bushfield Academy on foot and by bicycle.
- Proposal not in keeping with this area of Orton Waterville.
- The Applicant has stated that the proposal is a 4 bed care home yet the proposal clearly shows 2 units and 3 bedrooms generating a total of 5 bedrooms, the concern is once the proposal is granted then the Applicant would be able to add an additional resident and what is being proposed today is not the reality of what we shall be facing as local residents in the future.
- Concerns over the level of privacy being completely removed, with Trees T1, T2 and T3 being removed meaning that our garden and kitchen are completely overlooking, and contradicts the statement from Alderwood and my trust has been broken in the facts and intentions of this application.
- Side windows of the application site would overlook our front garden and can also see into one of our front bedrooms, this change would raise privacy concerns.
- The applicant states that residents will meet visitors off site, if I had a loved one living in a residential institution, I would want to visit it to ensure all was well.
- Increase traffic flow resulting in congestion, danger to pedestrians, pollution, noise and disturbance.

Revised consultation – Objections:

- Proposal still contravenes stipulation that property is used purely for domestic purposes.
- The reduction in the height of wall is unnecessary and seems to be to re-use the stone removed. The proposed front boundary is ill suited and out of keeping with the local character of the area, other walls are of single height and continuous along the boundary, the two tiered incline design in the new location will be unsightly and detrimental to the area.
- The Orton Waterville Conservation Area Appraisal – Section 8.3 states there should be no further puncturing of existing stone walls in the area.
- The proposal will exacerbate the access and parking problems already encountered.
- Planning Department seems to have no perception of a conservation village. We already suffer from parking disruption of juggernauts delivering to RP Meats along with damage to the roads.
- Drawing 20 Rev B shows 5 parking bays, a bin storage area and clearance between the parking bays and the garage door. Each parking bay appears to be shown as 3.6m wide and therefore a total width of 18m is required for the 5 bays let alone space for garage access and bin store. The actual distance from the garage door to the inside of the front boundary is 15.2m.
- How can cycle users access the cycle store when someone has parked in car bay 4, there will be no clearance to open the up and over garage door. Car bay 8 will be difficult to utilise.
- The proposed access is 3m wide. Delivery vehicles are expected to negotiate this narrow entrance after having performed a 90 degree off a 4.9m wide road which may well have vehicles parked opposite. The result will be lots of vehicle manoeuvring, air pollution and noise pollution.
- The proposal is completely inappropriate for the location.
- Objections remain on my previous comments.
- There is no mention of the installation of an oil interceptor for this commercial vehicle parking area, which would cause a risk of contamination and pollution of the soils, protected tree root system, and the local surface water drains and sewer system where the oil/fuel should not enter.
- The proposal is not suitable for a large volume of traffic at any point in the day, the roadway is as narrow as 9ft in parts which will result in blockages to homes and along the carriageway to allow vehicles to pass and parking on the footpaths.
- The excavation of the driveway will have an impact on the protected tree root system and when

building this new driveway the works vehicles will be parked along the arrow roadway, causing obstruction.

- The drawings only show dimensions for one accessible space, still not clear if the proposed 8 spaces will actually fit with enough space for people to get out of the vehicles and manoeuvre on site. How can we be confident in this development when so many inaccuracies and vague components are being submitted?
- Proposal is for a commercial business to be run from a residential house, involving commercial deliveries and services coming to the property such as clinical waste collections and servicing of commercial equipment such as hoists, and electrical servicing. There will also be daily visits in cars of healthcare providers such as occupational therapists, physiotherapists, district nurses and GPs etc.
- Parking is insufficient, plans show 8 parking spaces but 9 are needed. Appendix C of the Peterborough Local Plan mentions 1 parking space per full-time equivalent staff, plus 1 visitor space per 3 beds is required.
- The block paving with parking bays being marked out onto the paving is not in keeping with a residential conservation area. This would look unsightly and detract from the visual appearance of the property.
- Plans contrary to Local Highway Authority comments. There also appears to be contrary views from the LHA and Conservation Officer regarding the width of the access.
- Loss of privacy and disruption would be experienced by properties across from the site due to the proposed new expanded entrance way placed directly opposite.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and character of the site and surrounding area
- Neighbour amenity
- Highway safety and parking
- Trees
- Other

a) Principle of development

Policy LP8 supports the provision of homes for vulnerable persons subject to certain criteria.

First, a need has been identified and is supported by Adult Social Care Commissioning.

Cambridgeshire and Peterborough Children's Commissioning and Adult Commissioning services were consulted and they raised no specific objections to the proposal. However, the Adult Commissioning service did raise a concern over the lack of community engagement within the area, and noted that this application is for a provision of services for people with complex needs who will inevitably present with challenging behaviours which may cause disruption to the local community. Nonetheless, the Applicant has no statutory duty to consult prior to the submission of this application, and a full consultation was carried out with neighbouring properties and a Site Notice was also put up near the application site.

Secondly, it is considered that the proposal provides a sufficient level of amenity provision and Officers consider the application site to be suitable to provide the future occupiers with the necessary facilities, level of independence and provision of support/care.

Thirdly, the application site is located a short distance away from shops located at Church Drive (0.2 miles) as well as a bus stop, there are also further shops and bus stops also are located within the surrounding area. It is considered that the proposed site provides access to essential services

and community facilities, with the Orton Waterville Village Hall located within 0.2 miles of the location.

Fourthly, the site does not conflict with any strategic policy of the Peterborough Local Plan and the material considerations will be considered below.

Paragraph 8 of the National Planning Policy Framework (NPPF) (2021) outlines three objectives to achieve sustainable development, one of which is the social objective which further outlines the need to support communities' health. Adult social care provision is a key and fundamental provision that is necessary within Peterborough and subject to meeting the criteria set out within Policy LP8 such provision is supported.

The proposal includes two self-contained units within the first-floor plan which are labelled 'Unit 1' and 'Unit 2'. The Agent confirmed that these self-contained units were to enable temporary supported independent living for residents prior to establishment elsewhere in the community once the necessary skills are achieved.

As such Officers recommend a condition to be appended onto the decision notice which ties the self-contained units with the proposed use so that the units are not sold or rented out separately.

Officers consider that whilst there is potential for challenging behaviour which may cause disruption to the local community, the main consideration for Officers would be the land use and on the basis of the above, the principle of development is considered to be acceptable and in accordance with Policy LP8 of the Peterborough Local Plan (2019), subject to the following material planning considerations.

b) Design and character of the site and surrounding area

Whilst there are limited alterations proposed to the existing dwellinghouse itself, alterations are proposed to the front boundary treatment and front driveway.

The proposed access will be relocated further along the front boundary. It will be retained at a width of 3m with the adjacent walls to either side of the access being retained at 600mm then sloping up to the existing height of the retained wall. The Conservation Officer raised no objections to this element but recommended a condition to ensure that the stone from the closure and relocation of the existing access is reused for the alteration works. A compliance condition would be attached to the decision notice should permission be granted.

The other alteration would be the hard landscaping of the front driveway area in permeable block paving in dark grey with parking spaces demarcated in light grey block pavers laid in a Herringbone pattern to replace the existing gravel. The Conservation Officer raised no objections to this element. It is considered to be a sympathetically designed landscaping treatment.

In light of the above Officers consider the proposal to be in accordance with Policies LP16 and LP19 of the Peterborough Local Plan (2019).

c) Neighbour amenity

As there are no extensions, enlargements or alterations to the property proposed under this application, it is not considered that the proposal would cause unacceptable overbearing, shadowing or loss of privacy impacts to surrounding neighbours.

It is considered that whilst the proposal will change the application site from a C3a Residential Dwellinghouse to a C2 Residential Institution, as the main uses of the first-floor rooms will remain as bedrooms; there will be no adverse impact on privacy to neighbouring properties by way of additional overlooking or loss of privacy from first floor level. No additional openings are proposed.

The garden of the site would be used as the private amenity area for the proposal, there would be

no adverse change in character of the rear amenity area.

In light of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Highway safety and parking provision

Appendix C of the Peterborough Local Plan (2019) outlines the parking requirements for a C2 use as 1 per full-time equivalent staff plus 1 parking space per 3 beds. The proposal would have 6 full time equivalent staff and 5 beds on site, as such the required parking provision would be 7 parking spaces. The proposal provides 8 car parking spaces including 1 accessible parking space. The proposal also provides for cycle parking provision within the existing attached garage.

The Council's Local Highway Authority object to the proposal raising the following concerns:

- Fully dimensioned and scale drawings with parking space dimensions and visibility splays
- Swept path analysis demonstrating vehicles for entering and leaving the site in a forward gear and parking
- The access must be 5.5m wide
- Construction details of the alterations and moving of the access are required

Officers note that the submitted drawings are to scale and the dimensions for the accessible parking space measures 5m x 3.6m and the dimensions for the remaining spaces is 5m x 2.4m. Further, 2m visibility splays are provided on either side of the access with the wall height reduced to 600mm for 2m along the proposed access. It is also noted that the requirement for construction details is onerous given that a Permit would be required from the Local Highway Authority under Section 184 of the Highways Act 1980 and details would be provided then, as such providing details now would be unreasonable and not meet the tests for appending a condition onto the decision notice.

The Conservation Officer and the Local Highway Authority hold conflicting views regards the need of a 5.5m wide vehicular access to the application site.

Taking the nature of the proposals into account, it is considered that the proposal would not generate a demand in terms of vehicle movements that would result in two vehicles using the proposed access at the same time. Further, the proposal is located within a quiet cul-de-sac where the potential for creating a bottleneck is limited. It is therefore considered that a reduced 3m wide access with the provision of the reduced wall height on either side providing the necessary vehicle to pedestrian visibility splays provides an acceptable compromise between the conservation and highway safety impacts of the proposal.

As such it is recommended that the objection from the LHA be overruled subject to conditions securing eight parking space, visibility splays, remodelling of the boundary wall and provision of cycle parking. On balance, the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Trees

The Council's Tree Officer noted the protected Horse Chestnut TPO T.4 08/1972, located within the front garden of No.5 Debdale and raised no objection subject to a condition securing the protections set out within the submitted Arboricultural Method Statement.

In light of the above it is considered that the proposal is in accordance with Policy LP29 of the Peterborough Local Plan (2019).

f) Other

The Orton Waterville Parish Council raised an objection to both the original and revised schemes

which are addressed in detail as follows:

- *Appears to be a commercial venture in a residential and conservation area which is inappropriate and out of keeping with the area*
- *Triple glazing is being proposed at this property which implies that there will be higher noise levels coming from the property in a quite small residential street which may cause distress to neighbouring properties, which has been seen in a neighbouring street from a similar scheme.*
- *More traffic from employees and visitors to the property which will have an impact on neighbouring properties especially as Debdale is a narrow cul-de-sac.*
- *Restrictions on the Land Registry Title Register of this property which states no business use from the property and not to use the land for any purpose which may be or may grow to be a nuisance or annoyance to the Company or to the owner or occupiers of any adjoining property.*

The principle of the development was assessed in the first section, Officers consider that care facilities as long as they meet LP8 and other material considerations are acceptable and the proposal is able to accommodate 5 residents with 6 staff providing 24 hour cover. Whilst a different use from C3a it is considered that the proposed use which falls within C2 is a related residential use and the principle of setting it within a residential area is not unacceptable as long as the necessary policy requirements are met. The potential noise impact was noted but whilst Officers can consider the land use of the proposal, considering the behaviour of the residents would be difficult given that this would vary from individual to individual. The Applicant does mention upgrading works including triple glazing, which may not need planning permission as it involves just the altering of the glazed panels. Moreover, the site is a detached building with no party walls with other properties. Finally, it is noted that 24/7 cover is proposed to allow for oversight and staff presence at all times which would allow for mitigation against adverse noise impacts. Officers accept that the proposal may generate more traffic to the property but it is also noted that the necessary parking provision has been provided on site. Officers cannot consider covenants and restrictions within the Title Register as material considerations as these matters are civil matters, and any current or future planning permissions would not override any private legal agreements.

Local residents also raised objections to the proposal, whilst I will not address matters that have been considered above in the main report any remaining concerns will be addressed below.

- *Proposal still contravenes stipulation that property is used purely for domestic purposes.* Any private legal agreements and Land Registry Title restrictions are not material considerations, and any approved planning permission would not override any private legal agreements which the Applicant may have entered into.

- *The reduction in the height of wall is unnecessary and seems to be to re-use the stone removed. The proposed front boundary is ill suited and out of keeping with the local character of the area, other walls are of single height and continuous along the boundary, the two tiered incline design in the new location will be unsightly and detrimental to the area.*

The Conservation Officer raised no objections to the revised proposal consider the frontage design is a sympathetic design which does not adverse impact the design and character of the site and surrounding area.

- *The Orton Waterville Conservation Area Appraisal – Section 8.3 states there should be no further puncturing of existing stone walls in the area.*

The proposal moves the existing access which is of a similar width and a condition has been appended onto the decision notice for the existing stone to be re-used to allow for a sympathetic appearance and design to the existing frontage.

- *Planning Department seems to have no perception of a conservation village. We already suffer from parking disruption of juggernauts delivering to RP Meats along with damage to the roads.* The Conservation Officer raised no objections and did not consider the proposal would adversely impact the design and character of the site and surrounding Conservation Area.

- *Drawing 20 Rev B shows 5 parking bays, a bin storage area and clearance between the parking bays and the garage door. Each parking bay appears to be shown as 3.6m wide and therefore a total width of 18m is required for the 5 bays let alone space for garage access and bin store. The actual distance from the garage door to the inside of the front boundary is 15.2m.*

Only the accessible parking space would be 3.6m, the remaining parking spaces measure approximately 2.4m wide.

- *How can cycle users access the cycle store when someone has parked in car bay 4, there will be no clearance to open the up and over garage door. Car bay 8 will be difficult to utilise.*

A condition has been added onto the decision notice to provide the necessary cycle parking details including access into the garage. Officers on balance accept the parking provision and given that the necessary parking provision would be 7, the proposal provides 8 so that there is sufficient provision on site in line with Policy.

- *There is no mention of the installation of an oil interceptor for this commercial vehicle parking area, which would cause a risk of contamination and pollution of the soils, protected tree root system, and the local surface water drains and sewer system where the oil/fuel should not enter. The need for an oil interceptor would be inappropriate given the level of development which is a fairly low scale care home, and vehicles visiting the site would generally be staff vehicles.*

- *The drawings only show dimensions for one accessible space, still not clear if the proposed 8 spaces will actually fit with enough space for people to get out of the vehicles and manoeuvre on site. How can we be confident in this development when so many inaccuracies and vague components are being submitted?*

The Proposed Site Plan is a scaled drawing which does allow for measurements to be taken off the drawing.

- *Proposal is for a commercial business to be run from a residential house, involving commercial deliveries and services coming to the property such as clinical waste collections and servicing of commercial equipment such as hoists, and electrical servicing. There will also be daily visits in cars of healthcare providers such as occupational therapists, physiotherapists, district nurses and GPs etc.*

Whilst the proposal has potential for healthcare providers and commercial deliveries coming on site, this would heavily depend on the requirement for each resident. The submitted information does not propose an intensive care home and whilst there is potential for residents with higher care needs than others being present, it is considered on balance the proposal provides the necessary parking to mitigate against any adverse impact on the site and surrounding area.

- *At times of staff changing there will be 12 cars plus visitors, this is not possible in the restricted area of parking within the site and will therefore result in parking on the road which is not wide enough for two cars to pass so parking will be on the pavement.*

The proposal states there will be approximately 6 staff supporting these service users on a 24 hour basis, the total staff numbers of 6 are likely to be spread over the 24 hour period working a shift pattern.

- *Websites frequently mention the many issues with management problems, poor pay, frequent staff turnover and dissatisfaction cited.*

Officers cannot consider these matters as material considerations.

- *If this application does go ahead, and problems arise, where do neighbours raise their concerns?*

Depending on the type of concern, the management company or other part of the Council may be the relevant part to raise concerns to (i.e. parking concerns raised to Local Highway Authority, statutory nuisance issues raised to Pollution Control team etc).

- *No mention of the drainage/surface water diversion which is located next to the proposed new drop kerb or its impact on the flow of surface water to the drain across the road and potential for all water to flow across the road towards 9 New Road car parking space and foot gate access, should*

the other point become overwhelmed.

Any impact on drainage or other street furniture can be considered when the Applicant looks to gain the Road Opening Permit from the Local Highway Authority.

- No mention of tactile paving at the new entrance to alert current residents of the area who are partially sighted of the change in entrance way point.

The proposal includes a single access which is of a similar dimension and location to the existing access on site as such tactile paving is considered to be onerous on the Applicant.

- Minor increase in air pollution from hazardous fumes from traffic movements/idling outside the property at 4 Debdale.

The level of air pollution would be limited given the small scale of the proposal.

- Signage type is not mentioned anywhere on the plans, this may detract from the conservation area aesthetic.

No signage has been proposed and approved as part of this application.

- No mention of fire safety arrangements and if additional fire escapes are required, this will impact on the visual aesthetics of the conservation area.

The proposal does not include any external alterations to the existing building, if any additional changes are required, then planning permission may be required which can be considered at the time of submission.

- No security arrangements mentioned to ensure the safety of the care facility residents and local residents.

There is 24 hour staff presence on site which can allow for mitigation against any challenging behaviour.

- Front wall is within the conservation area and should be protected. Removing the wall would also damage the large grass verge and footpath outside of the property.

The proposal does include re-instating the grass verge in front of the existing access after it's closure which has been conditioned to ensure this.

- Concerns over the level of privacy being completely removed, with Trees T1, T2 and T3 being removed meaning that our garden and kitchen are completely overlooking and contradicts the statement from Alderwood and my trust has been broken in the facts and intentions of this application.

T1, T2 and T3 are shown on the proposed plans as being retained on the plans, and for the sake of clarity the current application does not approve the removal of any trees on site. As the site is located within the Conservation Area, a tree works application would need to be submitted to the Council's Tree Officer for any works, if any works to trees have been conducted without the relevant permission should be reported immediately to the Planning Enforcement team (enforcement@peterborough.gov.uk).

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The impact of the proposal on the character of the site and Orton Waterville Conservation Area is considered to be in accordance with Policies LP16 and LP19 of the Peterborough Local Plan (2019);

- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings is considered on balance to be in accordance with Policy LP17 of the Peterborough Local Plan (2019); and

- The impact of the proposal on the safety of the adjacent public highway is considered to be on balance in accordance with Policy LP13 of the Peterborough Local Plan (2019).

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 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).

C 2 The development hereby permitted shall be carried out in accordance with the following details:

- Site Location Plan (Drawing number 01)
- Existing Site Plan (Drawing number 02)
- Existing Ground Floor Plan (Drawing number 03)
- Existing First Floor Plan (Drawing number 04)
- Existing Roof Plan (Drawing number 05)
- Existing Elevations 1 of 2 (Drawing number 06)
- Existing Elevations 2 of 2 (Drawing number 07)
- Proposed Site Plan (Drawing number 20 Revision A)
- Proposed Ground Floor Plan (Drawing number 21)
- Proposed First Floor Plan (Drawing number 22)
- Proposed Roof Plan (Drawing number 23)
- Proposed Elevations 1 of 2 (Drawing number 24)
- Proposed Elevations 2 of 2 (Drawing number 25)
- Frontage Alteration Proposals (Drawing number 26)

Reason: For the avoidance of doubt and proper planning.

C 3 Prior to first occupation of the development, car parking including garages and turning shall be provided in accordance with the approved layout shown on drawing number 20 Revision A.

Thereafter, the car parking and turning shall be retained solely for the parking and turning of vehicles in connection with the use of the development to which it relates and shall not be used for any other purpose in perpetuity.

The front driveway area shall be finished in permeable block pavers in Herringbone pattern in dark grey with the parking spaces demarcated in light grey as per drawing number 20 Revision A.

Reason: In order to ensure that sufficient parking and turning remains available in site in the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C 4 Prior to the first occupation of the development hereby approved; the visibility splays, grass verge and access width shall be constructed and maintained in accordance with drawing number 26. The 2m visibility splays as identified on drawing number 26 shall remain free from obstruction over 600mm high for perpetuity.

The new access and proposed front boundary treatment shall recycle stones from the existing wall for the proposed works.

The access hereby approved shall remain ungated for perpetuity.

Reason: In the interest of public highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 5 The two self-contained units, labelled Unit 1 and Unit 2 on drawing number 22, shall not be occupied or used at any time other than for purposes ancillary to the C2 use of the property known as 4 Debdale Orton Waterville PE2 5HS, and shall not be occupied, leased or rented as separate dwellings.

Reason: The site is not adequate to support a separate dwelling and the self-contained units are only acceptable as ancillary accommodation, in accordance with Policies LP13 and LP16 of the Peterborough Local Plan (2019).

- C 6 Prior to first occupation of the development hereby permitted, details of the cycle parking shall be provided to demonstrate how access will be gained to the existing garage and the level of provision provided within the garage shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details and the provision of cycle parking shall be retained for perpetuity.

Reason: In order to ensure that sufficient and suitable cycle parking is available and to promote more sustainable methods of travel to/from the site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) the development hereby permitted shall be used for the provision of residential accommodation and care to people in need of care within C2 use class (Residential Institution) only and for no other use within the C2 use class.

Reason: In the interest of neighbour amenity and highway safety, in accordance with Policies LP17 and LP13 of the Peterborough Local Plan (2019).

- C 8 As per the submitted Arboricultural Method Statement (AMS) from Silva Arboriculture Ltd received (Ref 21090 Issue 1, received 29/10/2021), all measures and protections as laid out in the aforementioned AMS must be implemented and adhered to before the arrival of any materials on site and the beginning of any construction works associated with the proposed development hereby approved and must be maintained throughout the period of construction.

Reason: In the interest of the protection of the existing trees, in accordance with Policy LP29 of the Peterborough Local Plan (2019).

This page is intentionally left blank