

09/01384/FUL: CONSTRUCTION OF 50 BED CARE HOME AND NEW ACCESS AT LAND NORTH OF MATLEY PRIMARY SCHOOL, MATLEY, ORTON BRIMBLES, PETERBOROUGH, PE2 5YQ

VALID: 23.12.2009

APPLICANT: PETERBOROUGH CARE LTD

AGENT: PORTESS AND RICHARDSON

REFERRED BY: CLLR ALLEN

REASON: BUILDING TOO HIGH, OUT OF CHARACTER WITH AREA, IMPACT ON NEIGHBOURS, LACK OF CAR PARKING

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Access to the site and car parking provision
- The impact of the development on trees

The Head of Planning Services recommends that the application is **APPROVED** subject to conditions and the prior completion of a Planning Obligation.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- H25** Seeks to ensure residential homes are accessible to public transport, services and facilities and would not unacceptably impact on the amenities of neighbouring properties.
- DA1** New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.
- DA2** The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T8 Development must safely connect to the existing highway network.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning
- ii) necessary to make the proposed development acceptable in planning terms
- iii) directly related to the proposed development (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

Full planning permission is sought for the construction of a 50 bed care home, with a new access and associated car parking. The accommodation would be provided in a three storey L-shaped building positioned on the western half of the site. The new access from Matley, is on the eastern side of the site, leading to the car parking area, which has increased in size from 14 to 32 spaces, in the amended plans.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within a predominately residential area, consisting of 2 storey and 1^{1/2} storey residential properties. The site is positioned to the north of the Matley Primary school site, and to the south of a small local centre, which contains some shop units and a community centre. It is also positioned to the south of some two storey residential houses. To the west of the site is a busway and beyond this further two storey residential housing. The residential houses on Matley Road to the east of the site are 1^{1/2} storey.

The site covers an area of 0.56 hectares and is currently vacant land that has become overgrown. The site is currently well screened from surrounding sites by mature hedge/tree landscaped boundaries.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/01339/R3OUT	Proposed residential development for 25 dwellings		Pending approval subject to S106

INTERNAL

Head of Transport and Engineering – Objected to original submission due to:

- The absence of a Transport Assessment
- Inadequate visibility at the access
- Poor provision for pedestrians

Revised plans and a Transport Assessment have been submitted and this is being considered at this time. An update will be given at the meeting.

Travel Choice – No objection. Requests contribution towards bus stop improvements

Drainage Engineer – No objection

Access Officer – No objection

Landscape (Tree) Officer – No objection. Requests 2 conditions to cover, protection of trees during construction and new landscape planting.

Property Services – No objection

EXTERNAL

Police Architectural Liaison Officer – No objection. The comments given in respect of perimeter security were; the need ensure appropriate perimeter fencing, provide a secure access gate and the possible use of CCTV. These details could be secured by way of a planning conditions.

Anglian Water – No objection.

Natural England – No objection. The measures outlined in the Ecological Appraisal regarding nesting birds and tree protection should be secured by planning conditions, and additional measures to enhance biodiversity for the site, is encouraged.

Parish Council – Objects on the grounds that a 3 storey building would be out of character and have an overbearing impact on the surrounding area, which comprises of two and single storey buildings only. They object also on the health and safety grounds, that the upper floors would be difficult to evacuate if there was a fire as the residents would be elderly and infirm. They have no objection to the principle of the Care Home.

Cambs Fire & Rescue – It is not yet known if additional water supplies are needed to serve the development. An update will be given at the meeting.

NEIGHBOURS

Three public consultations have been carried out in respect of this application. The first consultation was in respect of all the information initially submitted. The second consultation was in respect of the Transport Statement received. The third consultation was in respect of the amended layout, to include the additional 18 car parking spaces and the proposed amendments to the design of the buildings elevations.

9 Letters of objection have been received from 7 surrounding sites, including the adjacent primary school, in respect of the first two consultations, raising the following issues:

- Insufficient amount of car parking spaces, and the harmful impact of overspill parking on surrounding school and residents
- Extra traffic in an already congested area
- Building too high at 3 storeys
- Overlooking and reduced privacy

- What will vacant land on the site be used for in future
- Reduced property values
- Maintaining emergency access to school
- Impact of construction traffic on safety of school children

4 Letters of no objection/support were received from 3 surrounding sites, in respect of the first two consultations.

At the time of writing the committee report, no comments had been received in respect of the third consultation. Any comments received will be reported to Members in the Update report.

COUNCILLORS

Cllr Allen objects to the proposed 3 storey building, as it is out of character with the surrounding buildings and would have a detrimental effect on surrounding residents, in terms of reduced privacy and overlooking. Concern is also raised in respect of the traffic issues, as it is considered insufficient parking is proposed for staff and visitors, which would result in illegal parking and traffic problems for the surrounding area. At the time of writing the report, no comments had been received in respect of the amended plans of the third consultation. Any comments received will be reported to Members in the Update report.

7 REASONING

a) The proposed design and layout

The proposed care home building on site is to be three storeys in height, which would be higher than the existing buildings in the area, which are a mixture of single storey, 1^{1/2} storey and two storey buildings. This additional storey height is not considered to be visually harmful to the character of the area in this instance, due to 1) the significant separation distances between the proposed building and those surrounding, 2) the varying roof design, scale and siting of the building which sits comfortably on the site, and 3) as the site sits alone, separated from surrounding sites by roads, landscaped areas, busways and footpaths. It is therefore considered this increased height can be visually accommodated on this site, without appearing too high or visually inappropriate in relation to the height and scale of surrounding buildings.

The massing of the building has been broken by the varying roof design and changes in the proposed materials. Minor elevation design revisions were requested to enhance the buildings design and appearance and the amended plans have been received. The design changes made in the amended plans are currently being assessed and the outcome will be reported to Members in the update report.

It is considered that the siting, scale and design of the development is acceptable and can be accommodated on the site without visual harm the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan.

b) The impact on neighbouring sites

The proposed building has been designed and positioned on the site to provide residents with a private enclosed rear landscaped area, and to minimise the developments impact on surrounding sites. The east elevation of the building is positioned approximately 70m from the residential properties on Matley Road and this is well in excess of the minimum separation distance required between these two developments. There would not therefore be any unacceptable adverse overlooking, overbearing or overshadowing impact on these neighbouring properties.

The north elevation of the building is positioned some 32 m from the community centre and shop units and is designed so the main elevation stops, when it reaches the point directly opposite the residential properties of Otterbrook. There would not therefore be any unacceptable adverse overlooking, overbearing or overshadowing impact on these neighbouring properties of Otterbrook or Griffiths Court.

The main southern elevation would be positioned approximately 74m from the Matley school building, and the smaller southern side elevation 22m from it. This is a sufficient distance to prevent any

unacceptable adverse overlooking or overbearing impact. The site orientated to the north of the site therefore there would be no overshadowing impact.

The building is positioned a significant distance from the side elevations of the properties of Carradale therefore there will be no adverse impact on these properties.

The impact on property values is not a material planning consideration.

It is not therefore considered that the siting, layout and design of the building would result in any harmful impact overbearing or reduced privacy impact for the surrounding residential properties. The proposal is therefore in accordance with Policy DA2 of the Local Plan.

c) Access to the site and car parking provision

The location of the new vehicle access to the site is considered to be acceptable in highway safety terms and subject to the provision of the required visibility splays, no objection to it has been received from Highway colleagues. It is considered that the traffic generated by this development can be satisfactorily accommodated within the existing highway network without detriment to the safety of highway users, or adversely affecting junction capacity.

A new footway link is required to be provided as part of the development, to connect the site to the existing footpath, thereby providing users of the site with a safe pedestrian link to the nearby shops. Similarly, a safe pedestrian footpath is required within the site to the main entrance doors. These issues can be secured by way of planning conditions.

Concern was raised in respect of the originally proposed 14 car parking spaces and whether this would meet the needs of the development, and prevent the possibility of overspill parking in the surrounding area. The amended plans received increases the parking provision from 14 to 32 spaces. At the time of writing the report the comments of our Highway colleagues in respect of the additional car parking provision and revised transport statement information are awaited. Their comments received will be reported to Members in the Update report.

d) The impact of the development on trees

The tree survey and arboricultural constraints report is considered to be an accurate report of tree constraints of the site. The trees of merit on this site are around the boundaries and off site on the adjacent Peterborough City Council land. The high amenity value trees are to be protected and retained, and suitable replacement planting will be secured by planning condition for those lost. Some of the existing hedge on the northern boundary will be lost as a result of the development, however subject to securing a suitable landscaping scheme, this is considered to be acceptable.

The development is therefore considered to be in accordance with the requirements of Policies LNE9 and LNE10 of the Local Plan.

e) S106 Planning Obligation

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

In this case the development triggers a requirement for:-

- Bus stop improvements
- Travel Plan and monitoring
- S106 monitoring fee

These requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

8 CONCLUSIONS

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

It is considered that the siting, scale and design of the proposed development is acceptable and can be accommodated on the site without harm to surrounding residents or the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan. The new access is acceptable in highway safety concerns, and subject to the final comments of the highway engineers the amended car parking provision appears to be acceptable.

9 RECOMMENDATION

Subject to no objections from the Head of Transport and Engineering, the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the bus stop improvements, travel plan and monitoring cost needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C4 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C5 The development shall not commence until details of all boundary treatments have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C6 No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

C7 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, external lighting and any CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

C8 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- (a) A phasing scheme and schedule of the proposed works;
- (b) Provisions to control construction noise and vibration emanating from the site;
- (c) A scheme for the control of dust arising from building works and site works;
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;
- (e) A scheme of working hours for construction and other site works
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.

The development shall be carried out in accordance with the approved construction management plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C9** The "approach" to the principal entrance to the development, that being the entrance that would be used by visitors arriving by car, shall be level (no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid the need for a stepped approach and to meet the needs of access for all in accordance with Policy H20 of the Peterborough Local Plan (First Replacement).

- C10** Notwithstanding the submitted information, prior to the commencement of any development unless otherwise agreed in writing with the Local Planning Authority, details of existing and proposed site levels, including finished floor levels and levels of the surrounding ground area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to provide for the long term retention of retained trees, in accordance with policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure bus stop improvements, a travel plan and monitoring costs, however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Allen, Elsey, and Trueman