

ITEM: 04

Application Number: 10/00555/FUL

Applicant: Torr Home

Description of Application: New care home building for elderly mentally infirmed and formation of new car parking areas

Type of Application: Full Application

Site Address: TORR HOME, THE DRIVE PLYMOUTH

Ward: Peverell

Valid Date of Application: 05/05/2010

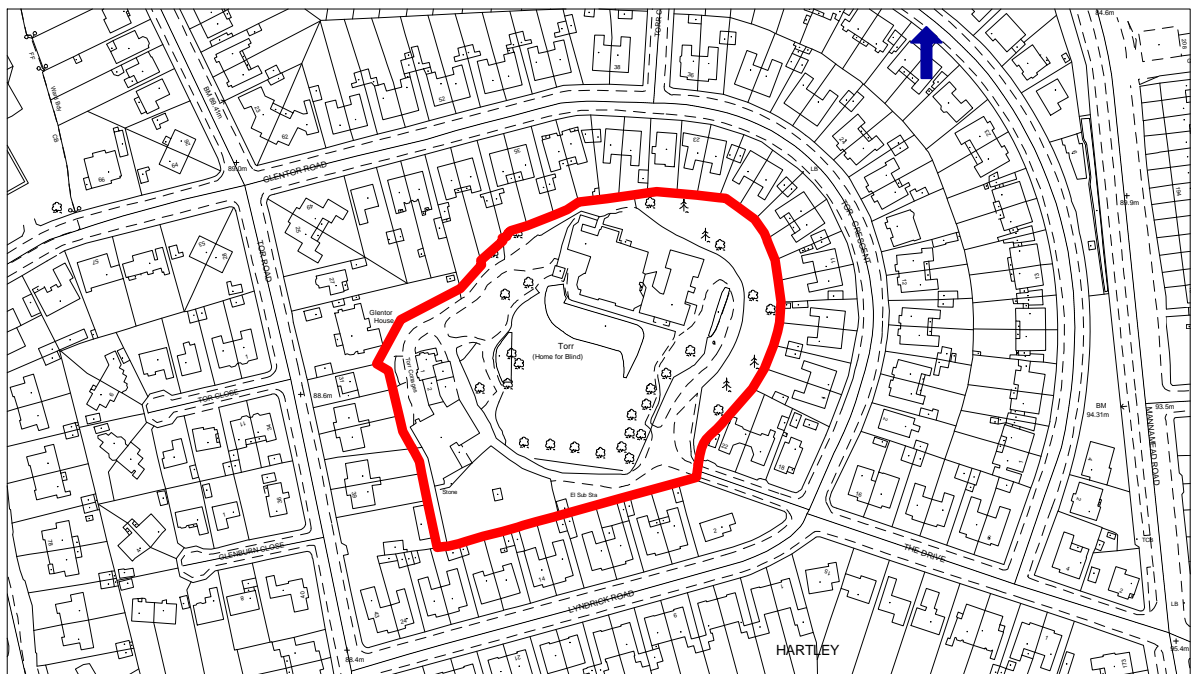
8/13 Week Date: **04/08/2010**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillors Martin Leaves and Patricia Nicholson. These Ward councillors are concerned about the loss of protected trees on the site.

Site Description

Torr Home is a large period property set within 1.2 hectares of landscaped grounds in the Hartley area of the City. The main building occupies an elevated position in the north east corner of the site with a large lawn extending out to the south. A number of large trees are also situated around the site and are protected by a tree preservation order.

The site is contained by residential development with properties in Lyndrick Road, Tor Road, Glentor Road and Tor Crescent all backing on to the site. Access is provided to the east of the site from The Drive.

The building is currently in use as a residential and nursing home with day care and respite also being provided. On the west of the site a number of outbuildings have been converted to provide 18 self-contained flats which allows independent living for the over 60s.

Proposal Description

New care home building for the Elderly Mentally Infirm (EMI) and formation of new car parking areas

The new EMI building will be located to the west of the site, in front of the converted outbuilding units. The unit will be part-two storey, part-single storey to make use of the changing levels within the site. The proposal will measure approximately 29 metres by 27.5 metres and will have a hipped roof design. An entrance porch and number of small projecting elements have been introduced to break up the main facades of the building. An open atrium will be created in the middle of the development to form an enclosed sitting area for residents.

Relevant Planning History

10/00186/FUL - Retention of garden store in south west corner of Torr Home gardens – Granted Conditionally

09/00531/FUL - Variation of condition 3 to remove reference to C2 use and 'to let' premises to instead restrict occupation to a person with visual impairment or a person with infirmities associated with old age – Granted Conditionally

08/01425 - Siting of portable building in grounds of care home to provide temporary office accommodation – Granted Conditionally

07/00711/FUL - Conversion of office, cottage and store outbuildings to 18 self-contained flats for use in association with existing nursing home- Granted Conditionally

06/01253/FUL - Conversion of conference room into two bedrooms- Granted Conditionally

06/00615/FUL - Change of use of cottage to offices for Torr Home for the Blind – Granted Conditionally

Consultation Responses

Highways Authority – No objections subject to condition

Public Protection Service – No objections subject to conditions

Representations

26 Letters of representation received. The main issues raised are:

- Loss of protected trees
- Overlooking and loss of privacy
- Dominating structure
- Overdevelopment of site
- Loss of visual amenity
- Increased light pollution
- Loss of wildlife habitats
- Increased traffic movements causing congestion and noise
- Pollution from increased vehicle movements
- Highway safety
- Disruption from construction works
- Problems with sewerage
- Out of keeping design
- Development not sympathetic to existing house
- Increased run-off raising likelihood of flooding
- Increase in CO2 and other air pollutants due to loss of trees
- Development will detract from existing building
- Suitability of new building for dementia sufferers
- Concerns regarding contamination
- Development will obscure view of main house
- Impact on quality of life of current residents
- Increase in parking on neighbouring residential streets
- Impact on travel plan
- No provision for pedestrians/wheelchairs on road within the site

The letters also raise the following concerns which are not considered material planning considerations; trees act as a wind belt, property devaluation, damage to view, covenants concerning dry stone walls

Analysis

The main issues to consider with this application are: the effect on the amenities of neighbouring properties, the impact on the character and appearance of the area, loss of trees and highway safety.

IMPACT OF BUILDING

The proposal involves the construction of a fairly substantial building for use as a 15-bed EMI unit. The proposed building has been designed to take in to account the sloping nature of the site and its position in front of the existing outbuildings creates a barrier/screen between the proposal and surrounding residential properties. The development will have the most direct relationship with properties in Glentor Road located to the north. The building will be at least 40 metres from the residential properties well over the minimum 21 metre privacy distance. In addition the presence of existing fencing and hedging will also ensure privacy levels remain high within surrounding gardens. The amenity of properties in Tor Road will be relatively unaffected. The existing outbuildings form a substantial screen which will prevent overlooking. The houses in Lyndrick Road are situated at least 55 metres away and although this boundary of the site is relatively open it is not considered that the proposal will result in a significant loss of privacy.

Concerns raised in letters of representation note that the new building will appear dominating and overbearing. The building has been specifically set in to the slope of the site and has a shallow pitched roof to minimise its height. Furthermore taking in to account the distance from site boundaries and presence of screening the proposal will not appear unduly dominant or overbearing when viewed from surrounding properties.

The issue of light pollution has also been highlighted. It is noted that the agent has detailed that street lighting is proposed however no details have been supplied. Given that the site is surrounded by residential development a condition requesting further details is considered appropriate.

The development will be situated in close proximity to the existing converted outbuildings. There will be a distance of approximately 12 metres separating the buildings. It is noted that there will be a number of bedroom and office windows facing the newly created flats however it is unlikely that people will be looking out of these windows constantly, with communal areas for the new unit being situated on the opposite side of the building. It is therefore considered that privacy will not be unreasonably affected and the separation distance will ensure the structure does not appear dominating and overbearing.

TREES

Initially a tree report was submitted detailing the removal of three mature trees on site. The property is covered by a tree preservation order and as such the removal of three trees raised concerns. However a further tree report was commissioned by the architects, at the request of the local authority, to provide more detail of the condition of the three trees. The second report

states that only one tree will now be removed and this has been confirmed in writing by the agent. The one tree that is now proposed for removal (Tree 101) is a large beech which is positioned to the western side of the main lawn. Other trees are situated close by however due to the height of the tree it does stand proud and is visible from outside of the site. The second tree report indicates that Tree 101 is in a poor condition. The report goes on to say that "the risks associated with this tree would be minimal if it were not for the extensive decay within the stem and the associated sparse crown indicating considerable dysfunction within the roots." The tree report notes that the tree could live for a further 10-20 years however this would be in a process of managed decline. Although the local planning authority are minded to agree with the findings of the second tree report it is considered, given the high level of public interest, that further evidence and clarification of the assessed decay should be provided. An addendum will be provided to update members on the findings of the further tree investigations.

It is also considered that the arboreal landscape could be enhanced with new planting. The agent has suggested some replanting options however further details will be required. Retained trees will be protected through the construction phase and landscaping of the site post-construction and replanting details will all be covered by condition.

Letters from neighbours raise the associated problem of loss of wildlife as a result of the tree removal. Potentially due to the size and age of the tree it may be home to a bat roost. Bats are a protected species and as such under the Species and Habitats Regulations 2010 an ecological survey will need to be undertaken prior to the trees removal. If evidence of bats is found then in this case mitigation could be provided and the favourable conservation status of these species would not be compromised. In addition a condition will also be required to ensure any vegetation removal avoids the bird nesting season (March-August inclusive).

Furthermore the release of carbon dioxide in to the environment following the removal of the tree has also been highlighted. Unfortunately due to the size of the development there is no requirement for the proposal to offset any of its predicted carbon emissions. However the replanting of trees on site will make some contribution.

DESIGN

The proposal has a fairly large footprint, predominantly being single storey in nature. The form and design of the building has been largely influenced by the functional requirements of housing people with mental frailties. The changes most commonly encountered by people suffering with dementia will be in the area of short term memory loss, spatial perception, difficulty planning activities and lowered stress thresholds. The fundamental purpose of a dementia friendly unit is to compensate for the effects of dementia and support retained functions and skills. The development is almost square in nature with a single corridor running around the building, an open atrium then forms an enclosed amenity area in the centre. The form of the building therefore allows residents to wander around independently, from their

bedroom to communal areas, without the risk of getting lost. In addition they will also have the ability to go outside without the need for supervision. It is hoped that these features along with the optimal resident number will create a safe, comfortable and secure environment for future residents.

The building is fairly simplistic in terms of its design which is somewhat disappointing. The existing building is of a high quality and although it is not listed or situated within a conservation area it was hoped that a more distinct building would be created to complement and enhance the unique characteristics of the site. However attempts have been made to break up the facades of the building with projecting elements and the use of stonework. The design has made efforts to reflect the form and detailing of the converted outbuildings so it does offer some link to the existing buildings on site.

Although an improved design would be desirable this has to be weighed against the characteristics of the site and the medical need for this facility. Although the site is of high visual quality, it is surrounded by other residential development and the proposal will only be visible, in a limited way, from these neighbouring properties and not an adjacent highway. The building will be set in to the slope and its simple form will not detract from the vista of the main house.

Adult Social Care has confirmed that there is a need for this type of dementia facility within the City. Furthermore in relation to needs analysis the city will in fact be growing its dementia nursing care provision. The location of the unit at Torr Home has also been supported as it will act as a citywide facility.

Therefore in this instance it is considered that the design of the building, although basic, could not warrant refusal of the application given the contained nature of the site and acute medical need for the facility.

TRANSPORT

Initially the Highways Authority raised some concerns as no Transport Statement was submitted to accompany the application. However a Transport Statement has since been produced and the Highways Authority is now happy with the proposal. The highways officer notes that the proposed 12 parking spaces is slightly over the stated maximum parking standards however as applications of this nature are considered on a case by case basis this is considered acceptable. The highways officer was encouraged regarding the already high use of public transport at the site. It was noted that cycling is currently the least favoured travel option therefore a condition will be imposed to provide better facilities on site to try and promote its use. The highways officer also considered that the proposal would only create a negligible increase in vehicular trips to and from the site, further split by the shift working pattern. As such there are no concerns regarding the impact of the proposal on the surrounding highway network. Neighbours concerns regarding highway safety, increased congestion and associated pollution and parking on nearby streets are therefore considered unjustified and could not warrant refusal of the application.

Further comments were also raised concerning the introduction of footways within the site for pedestrians/wheelchair users; this cannot be addressed as part of the application due to the private nature of the site. In any case at the entrance to the site a speed limit is imposed therefore the risk to pedestrians using the site's existing highways is negligible.

The issue of a travel plan has also been highlighted in neighbour letters. The highways officer notes that as there will be more than 15 staff on site then a travel plan will be required and this will be covered by condition.

ENVIRONMENTAL HEALTH

The Public Protection Service has also raised no objections to the proposal although they recommend several conditions. Two of the suggested conditions relate to the installation of a ventilation system and potential noise. These conditions will ensure neighbours' amenities are protected. In addition a condition relating to the construction phase will also be utilised to limit noise and disruption to local residents. Two other conditions relate to the new kitchen in the building and the reporting of unexpected contamination on site. Neighbour concerns touched on the issue of contamination. A land contamination report was submitted to accompany the application and the Public Protection Service is happy with its finding therefore a condition is considered appropriate in this instance.

DRAINAGE

Drainage and Sewerage have also been addressed in neighbour letters. Although a sustainable drainage system would be preferred the site is not located within a flood zone or problem drainage area therefore connecting to the mains is not considered unreasonable in this instance. Building Regulations will also be required for the works and surveyors will ensure that drainage and sewerage facilities reach the required specification.

HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities & Diversities issues

The building will be a purpose built EMI unit providing high quality accommodation for people with dementia and other associated conditions. In light of the projected increase in dementia sufferers over the coming years it is considered that the development will provide a much needed community facility.

Section 106 Obligations

The applicants are a registered charity and as such no development tariff is payable.

Conclusions

The local planning authority is minded to recommend the application for approval subject to the submission of further evidence regarding the decay of Tree 101, which is scheduled for removal. If further testing of the tree does not support the current report indicating decay your officers may wish to revisit this recommendation in the addendum report (which will comment on the requested further tree evidence). Although the proposed design of the building is simple, it will only be visible from adjacent properties and its siting and position ensures it does not cause any harm to the original Torr Home. Other issues can all successfully be addressed through appropriate conditions therefore the application is recommended for approval.

Recommendation

In respect of the application dated **05/05/2010** and the submitted drawings, **1833/31, 1833 35, 1833 36, Tree survey plan, Transport Statement, Envirocheck Report, Evolve Tree Protection Plan (received 12th July 2010) and accompanying Design and Access Statement** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

(2) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN

(3) The development hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved STP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(4) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 3 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

EXTERNAL MATERIALS

(5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(6) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority,
-External Lighting
-Commercial Kitchen Layout
The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF EXTRACT VENTILATION SYSTEM

(7) Prior to the commencement of development, details of the specification and design of any air conditioning equipment shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason:

To ensure that the use hereby permitted does not cause any adverse disturbance to the amenities of the residential properties near the premises, and any other properties, and the surrounding area, in accordance with policies CS22 and CS34 of the adopted Core Strategy.

CONTROL OF NOISE LEVELS

(8) The noise generated by the extract ducting/ventilation/air conditioning equipment (LAeqT) shall not exceed the background noise level (LAQO) by more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

Reason:

To control noise levels generated by the use hereby permitted, in accordance with policies CS22 and CS34 of the adopted Core Strategy.

LAND QUALITY - REPORTING OF UNEXPECTED CONTAMINATION

(9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

BAT SURVEY

(10) An appropriate assessment of Tree 101 must be carried out to assess whether it is home to any bat roosts. The assessment should involve a climbing inspection by an ecological consultant. If evidence of roosting bats is discovered then appropriate mitigation measures shall be implemented. A licence from Natural England will be required prior to felling the tree if bats are discovered.

Reason:

In order to ensure no harm is caused to a recognised protected species in accordance with Policies CS19 and CS34 of the Core Strategy

NESTING BIRDS

(11) No vegetation (trees, hedges etc) shall be removed from the site during bird nesting season (March - August inclusive).

Reason:

In order to ensure no harm is caused to a recognised protected species in accordance with Policies CS19 and CS34 of the Core Strategy

PROVISION FOR TREE PLANTING

(12) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

(13) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or

destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(14) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:1989(Recommendations for Tree Work).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (or in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

TREE PROTECTION DURING CONSTRUCTION

(15) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained

tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties, impact on the character and appearance of the area and highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS22 - Pollution

CS01 - Sustainable Linked Communities
CS02 - Design
CS31 - Healthcare Provision
SPD1 - Development Guidelines