

APPLICATION NO	PA/2010/0503
APPLICANT	Kapil Care Homes
DEVELOPMENT	Planning permission to erect a two-storey care home, including the demolition of the existing church and manse (resubmission of PA/2010/0096)
LOCATION	Site of St Andrews Church and Manse, Old Brumby Street, Scunthorpe
PARISH	SCUNTHORPE
WARD	Kingsway and Lincoln Gardens
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Gosling – public interest and building in front of the building line) Third party request to address the committee
POLICIES	

North Lincolnshire Local Plan: Policy H16 (Nursing and Rest Homes) – the development of new and converted properties for residential, nursing and rest homes and similar establishments will be permitted providing that:

- the development is located within the Scunthorpe and Bottesford urban area, Barton-upon-Humber, Brigg or a medium growth settlement;
- there are no adverse effects upon the amenities of neighbours and the character of the surrounding area. Where necessary, landscaping and screening will be required to protect the interests of nearby residents;
- adequate parking within the curtilage of the development is provided to ensure that no on-street parking occurs to the detriment of the free and safe flow of vehicles;
- the development provides adequate private amenity space to cater for residents and staff;
- external fire escapes are located away from the frontage of the development and are unobtrusive to the street scene;
- adequate refuse facilities are provided within the curtilage of the development and situated in order that they do not detract from residential amenity.

Policy T1 (Location of Development) – development proposals which generate a significant volume of traffic movement will be permitted provided that they are located:

- (i) in the urban area of Scunthorpe and Bottesford, Barton-upon-Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport;

- (ii) where there is good access to rail, water and air transport, or to the North Lincolnshire Strategic Road Network;
- (iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Policy T2 (Access to Development) – all development must be provided with a satisfactory access. In larger developments it should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) – proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping, tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

CONSULTATIONS

Highways: Advise conditions (numbers 3-13).

Environment Agency: No response.

PUBLICITY

The application has been advertised by site and press notices, and neighbouring properties have been notified. Several letters of objection have been received which are summarised as follows:

Traffic generation and parking issues

- such significant traffic generation is totally out of character with the residential neighbourhood
- 14 parking spaces for 25 full-time and 35 part-time staff, and 50 residents and numerous visitors, is totally inadequate
- no consideration has been given to frequently needed ambulances
- no traffic management measures are included in the application, particularly being close to a sharp bend in the road and will reduce visibility
- operational parking is needed for waste collections and food deliveries, and for ancillary services, eg hairdressers, social workers etc – this has been ignored
- on-street parking will be ridiculous, particularly as it is close to another care home
- increased congestion on streets, particularly during the construction period
- simply requesting that staff use public transport is not acceptable and isn't enforceable, particularly given the unsocial working times for care assistants
- space on site for delivery vehicles is necessary so they do not cause a hazard in the street
- chaos would be created at peak times
- this is a major route to cross town traffic and a major bus route

Mass, scale and character

- the size of the building is almost light industrial
- the building should be smaller and further back from the road
- the impact upon the dwellings on Brumby House Drive to the rear of the site is unacceptable
- over-development of the site
- the footprint covers virtually all existing grass and therefore the development is contrary to policy DS1 (General Requirements) and DS12 (Light Pollution) of the North Lincolnshire Local Plan
- there is no formal SPG on design guidance but SPG1 (House Extensions) demonstrates the development is unacceptable

- out of character with spacious development pattern which is typified by many single-storey dwellings
- loss of open nature of frontage and loss to amenity of street scene
- footprint of existing church respects the semi-rural character of the locality; the proposal ignores the existing building line along the street
- the size of the building is simply too large for the site
- loss of green space to bricks and mortar is unacceptable and is contradicted by the travel plan which refers to extensive landscaped gardens
- the care home will turn a residential area into a commercialised district

Impact upon residential amenity

- a loss of privacy for dwellings adjacent to the site by virtue of overlooking
- rear outlook from 12 Old Brumby Street would be restricted by the building
- if assessing the 45 degree angle used in SPG1 there is an infringement upon 12 Old Brumby Street
- overshadowing of properties to the rear of the site
- intensity of the development at the rear will lower residents' amenity

Trees

- the tree report is totally inadequate in that it suggests the felling of trees not in the ownership of the applicant
- trees on the frontage have high amenity value
- it fails to assess impacts on existing trees surrounding the site with tree preservation orders on them (10 Old Brumby Street)
- two mature trees would be lost; would any tree planting compensate for this loss?

General

- the drainage infrastructure is inadequate to take a care home development
- sewage to be connected to main pipe by one outlet will be inadequate
- there is an existing care home opposite 12 Old Brumby Street, therefore another one cannot be justified
- the existing grass verges must be maintained – surely these are owned by the council?
- water pressure in the area; adding this large development will cause a serious problem
- this proposal fails to address objections to the original scheme

- high dependency patients should be closer to major hospital facilities

ASSESSMENT

Planning permission is sought to erect a two-storey, 60-bedroom care home with ancillary facilities and infrastructure that includes a 14-space car park and landscaped courtyard. The site is occupied by St Andrew's Church and Manse on the corner of Old Brumby Street, Scunthorpe. This application is a resubmission of a previous proposal under planning reference number PA/2010/0096 which was withdrawn on 24 March 2010.

The key issues in assessing this proposal are whether the access and parking provisions are acceptable in terms of highway safety and highway standards, whether the development would adversely affect the character or visual amenity of the area, and whether the proposal would harm the residential amenity of the occupiers of adjacent dwellings surrounding the site.

From a planning policy perspective the proposal complies with policy H16 (Nursing and Rest Homes) in terms of land use because this policy requires new residential, nursing, rest homes and similar establishments to be permitted within the Scunthorpe and Bottesford urban area, Barton-upon-Humber, Brigg or medium growth settlements. The other planning considerations are obviously character and amenity, vehicular access and parking provision.

The proposal has been amended from the previous planning application in the following ways:

- the L-shaped western projection has been reduced to single-storey
- the kitchen and boiler room have been relocated away from the northern boundary to within the eastern elevation
- the use of projecting angled windows within the eastern elevation first-floor bedrooms to reduce issues of overlooking
- the reduction in length of lounge 4 western-facing first-floor window

Access and parking provision

Vehicular access to the site is shown to the east of the proposed care home with a total of 14 parking bays, 13 of which are directly adjacent to the eastern boundary of the site. The vehicular access is therefore in approximately the same position as the current vehicular access to the church. A transport assessment and statement was submitted with the application and has been assessed by Highways, who have raised no objections subject to the imposition of conditions (numbers 3-12).

The character and visual amenity of the area

The proposal involves the erection of an essentially two-storey C-shaped building around a central courtyard to the rear of the building with single-storey elements to the rear and west. The shallow pitched roofs are hipped to reduce the height and massing close to the boundaries of the site thereby reducing its potential visual impact. The single-storey elements, some with flat roofs, to the rear of the site and the westernmost projection provide a mix in terms of scale and proportions that reflects the variety of surrounding buildings which are both single and two-storey. The footprint of the proposed building

covers a large part of the site, indeed significantly more than the existing church and manse. The proposal is, however, significantly lower than the existing church building which, due to its height, is very imposing, particularly upon occupiers of properties to the rear of the site.

With regard to the issue of the building line, nothing within planning legislation, policy or current guidance prevents the erection of buildings on a street forward of other dwellings or buildings. Consideration must, however, be given to whether a development adversely affects the street scene or character of a particular area. In this case the building does sit forward of the existing dwellings to the east on Old Brumby Street and will therefore be more prominent in the street scene. It is not felt, however, that this prominence adversely affects the character of the surrounding area which is not protected in terms of conservation area allocation. The site is within the Scunthorpe and Bottesford urban area and therefore claims that this is a semi-rural area cannot be supported because policy H16 permits care homes to be built within the larger settlements.

Residential amenity

The proposal has been amended in several ways since the previous planning application was withdrawn. The westernmost element of the building (the L-shaped projection) has been reduced from two storeys down to a single storey with hipped roof. This was done to reduce the domineering impact a two-storey building would have had upon the rear garden area of 12 Old Brumby Street to the south. Additionally, the reduction down to a single storey will reduce the prominence of the structure upon the street scene, particularly when approaching the site from the south.

The kitchen and boiler room were originally proposed to be located within the southernmost element of the building directly adjacent to 3 Brumby House Drive to the south of the site. The potential for disturbance in terms of noise, odour and general activity could have adversely affected the living conditions of the occupiers of the dwelling to the south. The kitchen and boiler room have therefore been relocated further within the parameters of the site and are now proposed within the eastern elevation which should help to protect the living conditions of the occupiers of those properties closest to the site.

A noise impact assessment was submitted with the application and has been assessed by the council's Environmental Protection team. Conditions have been recommended.

With regard to overlooking, the first-floor bedroom windows on the eastern elevation had the potential to look into the rear garden area of 10 Old Brumby Street which would have significantly reduced the privacy currently enjoyed at that property. The amended proposal includes the use of projecting angled windows which serve the bedrooms at first-floor level on the eastern wing so that any views out of those windows towards 10 Old Brumby Street are now at an acute angle. Views out of the bedroom windows will be in a north-easterly direction which reduces the ability of anyone standing in those rooms to be able to look down on the private amenity area of 10 Old Brumby Street. Similarly, on the original planning application the first-floor lounge (lounge 4) had a large western-facing window that allowed views down onto the rear garden areas of properties on Brumby House Drive, particularly the rear garden area of 1 Brumby House Drive. This window has now been shortened in length to reduce the ability to look into those gardens and therefore protect the privacy of the occupiers of the dwellings to the rear of the site.

Other issues

With regard to other objections received, a tree report was submitted with the application which has been assessed by the council's tree officer who has recommended conditions to be attached to any grant of planning permission requiring the use of a geosynthetic cellweb system to be used in the parking areas that are within the TPO protection zones to prevent ground compaction. Furthermore, a landscaping and tree replanting scheme will be required by condition to mitigate for those trees that are to be removed as part of the development.

With regard to drainage issues, Severn Trent Water have been consulted as have the Environment Agency. No objections have been received from either.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 6074-01 Revision B, 6074-02 Revision B, 6074-03 Revision B, 6074-04 Revision B, 6074-05 Revision C, 6074-06 Revision C, 6074-07 Revision B, 6074-08 Revision B, 6074-09 Revision B, 6074-10 Revision C, 6074-11 Revision B, 6074-12 Revision B and 6074-13 Revision B.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Within three months of the completion of the new access, all redundant accesses to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

The proposed building shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

The submitted framework travel plan shall be fully implemented prior to the proposed building being brought into use and all conditions and requirements of the plan shall be fully implemented and retained at all times that the use is in operation.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

9.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed building being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

10.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

11.

No development shall take place until details of a construction phase traffic management plan have been submitted to and approved in writing by the local planning authority. Once approved, the plan shall be implemented and monitored throughout the construction period.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

The proposed building shall not be brought into use until the footway across the whole frontage of the site has been improved in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by 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 off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

Noise from the operation of external plant at the development shall not exceed 23dB LAeq,T at the exposed facade of the nearest existing dwelling. The 23dB limit referred to is the 'rating level' as described to in BS4142 and includes a +5dB penalty.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

15.

The applicant shall employ a suitably qualified acoustic consultant to undertake a noise impact assessment in order to determine compliance with the above noise limit. This assessment shall be undertaken in accordance with the requirements of BS4142. The completed assessment shall be submitted to and agreed in writing with the local planning authority prior to development commencing on site.

Reason

To avoid the unacceptable loss of amenity to local residents through noise, which is contrary to policy DS1(iii) of the North Lincolnshire Local Plan.

16.

The whole of the vehicular access and parking areas shall be constructed using a geosynthetic cellweb system, details of which shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development.

Reason

To protect the trees that are subject to tree preservation orders to the east of the site from harm from soil compaction in accordance with policy LC12 of the North Lincolnshire Local Plan.

17.

Prior to the commencement of development, a landscaping and tree planting scheme shall be submitted to and agreed in writing by the local planning authority.

Reason

To ensure the development complies with policy LC12 of the North Lincolnshire Local Plan.

18.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

19.

Prior to the commencement of development, details shall be submitted to the local planning authority to show the incorporation within the scheme of renewable energy production equipment to provide at least 20% of the building's total predicted energy requirements. Such equipment as approved in writing by the local planning authority shall be fully installed and operational prior to the commencement of use of any part of the building hereby permitted.

Reason

To ensure compliance with the provisions of the supplement to PPS1 relating to climate change and in order to reduce carbon emissions.



Drawing Title: 2010/0503

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Highways and Planning Service

Service Director,
G Popple