

Application No. 14/00604/MFUL

Grid Ref: 113321 : 298568

Applicant: Mr Nigel Timmis

Location: Post Hill Nursing Home 36 Post Hill Tiverton Devon

Proposal: Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)

Date Valid: 28th April 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/00604/MFUL - FOR ERECTION OF CARE HOME AND 12 APARTMENTS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING, FOLLOWING DEMOLITION OF EXISTING HOSPITAL BUILDINGS (REVISED SCHEME) - POST HILL NURSING HOME 36 POST HILL TIVERTON DEVON

Reason for Report:

To consider amendments to the conditions to be imposed under planning application reference 14/00604/MFUL prior to the decision notice being issued. The S106 has been signed and its content has resulted in condition 12 no longer being required. Following the issuing of a ministerial statement in March 2015 some planning policy requirements/development standards have been removed resulting in fewer planning conditions being required. As the Planning Committee resolved to grant planning permission for this development, it is considered that any changes to the decision, including the deletion of conditions, should be approved by the Planning Committee. It is now proposed to delete planning conditions 12, 16, 17, 18, 19.

RECOMMENDATION:

That planning permission be granted subject to the signed S106 and revised conditions as set out in this report.

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

The application is subject to a S106 which has already been signed which secures certain financial contributions.

Legal Implications:

The application is subject to a S106 Agreement that has been completed. In accordance with the resolution of Planning Committee on 27th August 2014, it secures:

- The transfer of an additional 0.5m strip of land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd (outlined in blue on the site location plan), from applicants to the Highway Authority at nil cost to the Highway Authority, prior to the commencement of any development on the site, to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;

- 4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);
- £34,584.5 financial contribution to Devon County Council Education (including legal fees);
- £10,625 financial contribution toward the off site provision of public open space;

Risk Assessment:

None identified

Consultation carried out with:

1. MDDC Legal Services department

1.0 PROPOSED DEVELOPMENT.

- 1.1 The planning committee resolved to grant planning permission for the 64 bedroom care home and 12 apartments (4 to be affordable homes) on the 27th August 2014. The application also includes associated highways infrastructure, parking for motor cars, cycles and motor cycles and landscaped gardens following the demolition of the remaining three buildings on site which were formerly the Post Hill hospital complex.
- 1.2 The care home would provide a range of facilities including 64 en-suite bedrooms, residents communal dining and living rooms, visitors cafe and kiosk, residents function room, hair and beauty salon, treatment and therapy room, laundry facilities, drug suite, sluice rooms, commercial kitchen, assisted bathrooms and outside seating areas.
- 1.3 The landscaped garden areas surrounding the care home will include sensory gardens, dementia loop paths, water features, planting, lawns and seating areas to provide both a safe and visually attractive setting for the care home development.
- 1.4 The 12 apartments are a combination of 2 and 1 bedroomed open market properties. The apartments are an overtly contemporary design with a circular courtyard parking at the northern end in order to respect and retain a large oak tree and retain access to the Hospicare premises to the North West.
- 1.5 Vehicular access to the site is from Blundells Road at Post Hill. On-site parking and turning is proposed for cars, cycles, motor cycles and service delivery vehicles, emergency services vehicles and refuse collection. The applicants own/control all of the land necessary to provide a road through the site, up to and including the boundary with the Waddeton Park Ltd land to the north/north east.

2.0 AMENDMENTS REQUIRED TO DRAFT CONDITIONS.

- 2.1 The form of development proposed has not changed. The Section 106 agreement that was required has now been completed. This report is seeking approval to delete 5 conditions and not to change any other aspect of the proposal as was resolved to be approved in 2014.

- 2.1 While preparing the decision notice it was identified that conditions 12, 16, 17, 18 and 19 are now superfluous due to the completed terms of the Section 106 and/or because the planning policies that required the submission of this additional information have been amended through the issuing of a Ministerial Statement in 2015.
- 2.2 Condition 12 states “*The new road into and through the applicant site shall be constructed up to and including the north eastern red line boundary of the application site prior to the first use of the care home or first occupation of any of the apartments*”.
- 2.3 The requirements of this condition have been replaced by Schedule 2 of the Section 106 agreement. Schedule 2 is detailed and it includes the following:
- Prevents the commencement of construction unless or until and highways agreement has been entered into with the County Council to secure the completion of the access road and make or facilitate its connection to the adjoining site access road;
 - The Highways Agreement shall provide for the Owners to connect the access road to the adjoining site access road provided that at the time the Owners complete the access road up to the boundary of the adjoining site the adjoining site access road has been completed to a location and to a standard that allows the connection to be made (such standard to be determined by the County Council acting reasonably);
 - Highways Agreement shall not require the owners to connect the access road to the adjoining site access road but shall require the owners to construct the access Road up to the boundary of the property with the adjoining site so that the connection of the access road to the adjoining site access road can be made by the developer of the adjoining site in the future free of charge and without the need for the said developer to obtain any permission licence or other right of way from the owners;
 - The owners shall procure that the access road shall be completed; to base course prior to the expiry of a period of 12 months beginning on the date of the Commencement of Construction; and to the standard required by the Highway Agreement prior to the expiry of a period of 3 months beginning on the date of the final occupation or within 24 months of commencement of construction of the open market dwellings whichever event is the sooner. No party shall do any act or thing which is intended or is likely to prevent or inhibit the ability of any party to construct the Access Road in accordance with this Schedule.
- 2.4 It is considered that Schedule 2 of the Section 106 agreement includes the requirements of originally proposed condition 12. It is also considered that the provision of the access road is more accurately controlled through the S106 agreement. The working of condition 12 as previously approved by Planning Committee is now considered to be superfluous and superseded by Schedule 2 of the Section 106 agreement. It is therefore proposed that condition 12 be deleted.
- 2.5 In March 2015 the Government issued a ministerial statement that created a new approach for the setting of technical standards for new housing and development. The new approach rationalised the many differing standards into a simpler, streamlined system aimed at reducing burdens and to help bring forward much needed new homes. The ministerial statement also withdrew the Code for Sustainable Homes.

- 2.6 The ministerial statement was released after the Planning Committee resolved to grant planning permission for application 14/00604/MFUL. As the decision notice has not yet been issued (due to the lengthy legal proceedings in order to secure the terms of the S106) it is now necessary to take into account the terms of the ministerial statement. As a result it is also proposed that conditions 16, 17, 18 and 19 be deleted from the decision notice. These conditions relate to:
- Condition 16 - Two of the apartments being constructed in accordance with Lifetime Home Standards (the standard was withdrawn and replaced by the technical standards and Building Regulation requirements);
 - Condition 17 – Submission of a carbon reduction strategy indicating at least 14% of energy used in the development to come from de-centralised on-site renewable or low carbon sources (this requirement was withdrawn);
 - Condition 18 - Apartments to meet level 4 of the Code for Sustainable Homes (this standard was withdrawn);
 - Condition 19 – Care Home to meet BREEAM standard of ‘very good’ or better (the standard was withdrawn).
- 2.7 All other conditions imposed on the planning permission would remain as approved by the Planning Committee on 27th August 2014.

3.0 PROPOSED CONDITIONS (AS AMENDED):

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.
4. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
5. Before the development hereby permitted is first brought into its permitted use the first floor, east elevation window in the northerly block of the care home shall be non-opening, glazed with translucent glass, and be so retained.
6. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan, has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.
7. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme for the sensory garden, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the

substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on drawing 1410_P_001A shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
9. No development shall begin until a doormouse nest tube survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved doormouse nest tube survey.
10. No development shall begin until a badger verification survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved badger verification survey.
11. The development shall be carried out in accordance with the Conservation Management Statement included as Appendix 4 of the Phase 1 Habitat survey submitted with the application.
12. The car parking, motorcycle parking, layby and secure cycle storage indicated on the approved plans shall be provided on site prior to the first occupation of any of the apartments or the first use of the care home. Once provided these parking and storage facilities shall remain permanently available for the parking and manoeuvring of vehicles and storage of bicycles.
13. The development shall be carried out in accordance with the recommendations in the Ruddlesen Geotechnical report submitted with the application.
14. No development shall begin until a Sustainable Urban Drainage Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Urban Drainage Strategy.
15. No development shall begin until details of how the principles of "Secure by Design" have been incorporated into the care home and apartments hereby approved have been submitted to and approved in writing by the Local Planning Authority.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
17. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
18. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
19. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
20. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

21. Within twelve months of the first occupation, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.
22. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide details of:
 - a) Timetable/programme of works
 - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
 - c) Days and hours of construction and deliveries
 - d) Location of loading, unloading and storage of plant and materials
 - e) Location of contractor compound and facilities
 - f) Provision of boundary fencing/hoarding
 - g) Parking of vehicles of site personnel, operatives and visitors.
 - h) Wheel washing
 - i) Dust control

The development shall be implemented in accordance with the approved scheme.

Reasons for conditions:

1. Given the specific circumstance relating to the application scheme and the strategic requirement in the adopted Tiverton Eastern Urban Extension Masterplan for a road through the site to serve the wider Masterplan area.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
5. To safeguard the privacy of the occupiers of 2 and 5 Fairway in accordance with policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

7. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
9. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
10. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
11. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
12. To ensure adequate provision of vehicle parking and cycle storage in accordance with policy DM8 Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the care home and apartments from risk from contamination in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).
14. To ensure the provision of a sustainable urban drainage scheme in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and policy COR11 Mid Devon Core Strategy.
15. To ensure the development is designed to be safe and secure for the residents in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
16. To ensure an appropriate record is made of archaeological evidence that may be affected by the development in accordance with the National Planning Policy Framework and Policy DM27 of Local Plan Part 3 (Development Management Policies).
17. To ensure that adequate information is available for the proper consideration of the detailed proposals.
18. To ensure the proper development of the site.
19. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

20. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
21. To ensure that the access arrangements are completed within a reasonable rests of safety and the amenity of residents.
22. To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network.

Contact for any more information

Miss Lucy Hodgson – 01884 234905

Background Papers

Planning Committee Agenda report
14/00604/MFUL 27th August 2014

File Reference

14/00604/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee