

LOCATION: KINGSCLEAR NURSING HOME, PARK ROAD, CAMBERLEY, GU15 2LN

PROPOSAL: Erection of a detached three storey building to comprise of a 90 bedroom care home. (Amended info rec'd 23/07/2014), (Additional info rec'd 21/08/14), (Additional plans rec'd 03/10/14), (Amended info rec'd 10/11/14).

TYPE: Full Planning Application

APPLICANT: Ms Nicola Thornton
Caring Homes Group Ltd

OFFICER: Duncan Carty

RECOMMENDATION: Defer and delegate for the completion of a legal agreement and then GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application relates to the redevelopment of a 78 bed care home within the settlement of Camberley to provide a 90 bed care home. The site is located behind frontage development on Park Road within the "Wooded Hills" character area as defined in the Western Urban Area Character SPD 2012.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on character, residential amenity, biodiversity and highway safety. The current proposal is not CIL liable as it relates to Class C2 development. The applicant is willing to enter into a legal agreement to secure controls to limit trips and/or outings from the proposed care home to the SPA, information provided to each new staff member and resident to explain the value and fragility of the SPA and preclusion of dogs (except those required for the care of patients, e.g. guide dogs) to the site to limit the impact of proposal on the integrity of the Thames Basin Heaths Special Protection Area. As long as an acceptable agreement is provided by 22 December 2014, the current proposal is considered to be acceptable.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the east side of Park Road and currently comprises a large detached building of about 3,800 square metres in use as a care home for the elderly providing 78 bedrooms. The site is set on an elevated site behind frontage properties, accessed via a small track running between 96 and 104 Park Road and the site is bounded on all sides by residential properties including those located on Park Road, Brackendale Road, Heatherdale Road and Kingsclear Park. The 1 hectare site falls within the "Wooded Hills" character area as defined in the Western Urban Area Character SPD 2012
- 2.2 The building on the site is located towards the northern end of the site and this area is largely level with mature trees mostly located close to the boundaries of the site. To the south of the building is an open area and after a short plateau the level of the land falls sharply and the site becomes more wooded.

3.0 RELEVANT HISTORY

3.1 The application site has an extensive planning history following its conversion into a home for the elderly in 1958 and the most recent proposals (to redevelop the site) are as follows:

3.2 SU/08/0511 Erection of a part two storey part three storey building to comprise a 91 bed nursing home (Class C2) to include refuse and cycle storage following demolition of existing.

Approved 11/06/2009

3.3 SU/11/0728 Application for new planning permission to replace extant planning permission SU/08/0511 for the erection of a part two storey part three storey building to comprise a 91 bed nursing home (Class C2).

Approved 29/02/2012 (this application remains extant and is a material consideration)

4.0 THE PROPOSAL

4.1 The full application proposes the erection of a detached three storey building of about 4,800 square metres of accommodation to comprise a 90-bedroom care home with associated communal areas and facilities. This would provide a net increase of 1,000 square metres of accommodation at the site, as compared with the existing development on the site. The building would have a maximum height of 12 metres to the ridge however there would be variation in the eaves and ridge height across the building. The building would be located within the central part of the site and would have a broadly 'H' shaped footprint with landscaped communal gardens created around the building.

4.2 Access to the site would remain via the existing driveway which would lead to a parking and servicing area located to the front and north side of the building. This area would also include bin and cycle parking areas. The southernmost part of the site would remain unaltered and the trees in this location would be retained.

4.3 Planning permission has previously been granted for a care home redevelopment of the site (under earlier permissions SU/08/0511 and SU/11/0728). The proposal would differ from the extant scheme in the following ways:

- The maximum height of the extant development is 12.6 metres, 0.6 metres above the maximum height of the current proposal.
- The floor area of the extant scheme is 5,500 square metres, 1,700 square metres more than the existing development and 700 square metres more than the current proposal.
- The extant scheme would be L-shaped and would extend over a good proportion of the central and north eastern part of the site. The current proposal would rationalise the built footprint locating the development in a more central part of the site, with the development moved a significant distance (from a minimum of 3.5 to 20 metres) from the north east site boundary with 4-8 Brackendale Road. Whilst, this consolidation of development on this site has led to a smaller gap to the rear boundary with 90 and 92 Park Road and 7 and 9 Kingsclear Park in particular, there has an increase in the gap to 11 Kingsclear Park.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Surrey Wildlife Trust | No objections. |
| 5.3 | Natural England | No objections. |
| 5.4 | Tree Officer | No objections (verbal). Any formal comments will be reported to the Committee. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 12 letters of objection had been received which raise the following issues:
- Overlooking / loss of privacy [*See Paragraph 7.4*];
 - Increased noise / disturbance [*See Paragraph 7.4*];
 - Loss of trees [*See Paragraph 7.3*];
 - Overbearing / unneighbourly [*See Paragraph 7.4*];
 - Overshadowing / loss of light [*See Paragraph 7.4*]; and
 - Noise from construction [*Officer comment: See Condition 8*].
- 6.2 There has also been one letter of support received. The support is qualified on the basis of the retention of the mature tree belt and boundary hedging to the south of the site.

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located within the defined settlement of Camberley. Accordingly, Policies CP12, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 (as saved) are relevant to the consideration of this application. The National Planning Policy Framework and the Planning Practice Guidance are also material considerations. The current proposal is not CIL liable, as it is for a Class C2 development.
- 7.2 The extant planning permission SU/08/0511 is a material consideration in the assessment of the current proposal. The principle of a care home development is acceptable on this site given the existing use of the site and extant planning permission.

It is therefore considered that the main issues to be addressed by this application are:

- The impact of the development on the character of the area;
- The impact of the development on the residential amenities;
- The level of parking and the impact of the development on highway safety; and
- The impact of the development on protected species and biodiversity.

7.3 The impact of the development on the character of the area

- 7.3.1 The application site is located within an area characterised by detached two-storey residential properties. However, there are a number of significant exceptions to this prevailing character including the application site which currently comprises a very large two to three storey building in use as a care home. The site is bounded on all sides by residential properties and does not have a street frontage. Access is gained via a driveway running between 96 and 104 Park Road.
- 7.3.2 The site is within Wooded Hill Character Area as identified by the Western Urban Area Character SPD 2012 which identifies the positive features of the area as being the soft green character and extensive tree cover, the green tunnels along road corridors and the buildings set in generous heavily vegetated plots which creates a low density verdant character.
- 7.3.3 As summarised at paragraph 4.3 above the replacement care home building would be three-storey and would be slightly lower in maximum height than the extant scheme. More critically, the proposed building would be repositioned to a more centrally located position within the site having a more consolidated form substantially set-in from the south west and north east site boundaries. In addition, given that the development does not include a street frontage the development would not be clearly visible from the road or in the wider public domain. In the officer's opinion the development would not harm the character of the Wooded Hills Character Area and the building would be visually attractive and sympathetically detailed with articulation and changes in heights which would break up the bulk of the building.
- 7.3.4 The development requires the removal of a number of trees within the site. However the Council's Tree Officer has verbally raised no objection to this tree loss and advises that suitable replacement planting could ensure the tree cover of the site is maintained. The Arboricultural Officer does however raise concern with the proximity of the building to the hedge on the eastern elevation however this is not protected and does not significantly contribute to the character of the area such cutting back (that part of the hedge which falls within the site) would not impact on the character of the area. This could however have implications for the screening afforded by the hedge and this is considered in Paragraph 7.4 below.
- 7.3.5 Having regard to all of the above, it is considered that the development would be sympathetic to the character and the appearance of the area and would meet the relevant objectives of Policy DM9 of the Core Strategy and Development Management Policies 2012, the Western Urban Area Character SPD and the National Planning Policy Framework.

7.4 The impact of the development on the residential amenities

- 7.4.1 The application site is bounded on all sides by residential properties. To the north west of the site are the properties on Park Road and the closest residential properties (90 and 92 Park Road) are between 35 and 50 metres from the proposed building. There are a number of trees on this boundary which would provide some screening, however the development would be partially visible from most of these properties. It is considered that the intervening distances and screening are sufficient to ensure that the development would not appear overbearing or unneighbourly. While it is noted that the development would include windows and a balcony (loggia) on this elevation they would be a sufficient distance from the dwellings and the primary garden space of these properties for it not to significantly impact on the privacy the occupants of these properties currently enjoy.

7.4.2 To the south east of the site are the properties located on Kingsclear Park. These properties are marginally closer and would be between 27 and 40 metres from the development. There is currently a significant volume of screening on this boundary in the form of a large conifer hedge which runs along the rear boundaries of these properties and would significantly screen the proposed development. While there are some gaps in this screen and while the cutting back of some overhanging hedge to facilitate development may reduce the effectiveness of this screen the separation distances are such that the development would not be viewed as overbearing. The impact of the development is further mitigated by the level changes which mean the development would be set some 1.5-2m below the level of the adjoining properties. The development would include windows in this elevation which would be located closer to the site boundary than the existing development (and, in part, the approved development under SU/08/0511 and SU/11/0728). However subject to a condition to ensure that the closest of these windows are fitted with obscure glazing (and retained as such), the development would not materially impact on the privacy the occupants of these properties currently enjoy.

7.4.3 While there are other residential properties bordering the site, these are further from the development and would not be materially affected by the proposed development. The development would marginally increase the intensity of the use of the site however it is not considered that the development would give rise to any material increase in noise or disturbance such as to impact on the amenities enjoyed by the occupants of the adjoining properties.

7.4.4 Having regard to all of the above it is not considered that the development would materially impact on the amenities currently enjoyed by the occupants of the adjoining residential properties and the development is considered to meet the relevant objectives of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.5 The level of parking and the impact of the development on highway safety

7.5.1 The application includes the provision of 29 car parking spaces; given that the occupants of the development are unlikely to own cars these spaces would be for staff and visitors. While the application indicates that there would be 39 staff members these would operate in shift patterns and would not all be on site at the same time. It is also noted that the application site is located in a highly sustainable location and it is therefore considered that the level of parking is appropriate to meet the demand of the development. The access to the site is to remain as currently exists although there would be a marginal increase in the intensity of the use of the access due to the increase in staff and potentially, visitors. The County Highway Authority has considered the application and has advised that no objection should be raised to the development subject to conditions.

7.5.2 Having regard to the above it is concluded that the development would deliver an appropriate level of car parking and would not give rise to conditions prejudicial to highway safety. Accordingly it is considered that the application meets the objectives of Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the National Planning Policy Framework.

7.6 The impact of the development on protected species and biodiversity

7.6.1 The application site is known to include a number of badger setts and the building also includes roosting for bats which also are likely to use the site for foraging. The applicant has submitted badger and bat surveys which suggest mitigation to ensure that the development would not impact on these protected species. The Surrey Wildlife Trust have indicated that sufficient survey information has been provided for the Council to determine the application and have raised no objections to the proposal, subject to the implementation

of the recommendations set out in the ecological reports provided to support this application (see Condition 15 below). It is therefore considered that no objections be raised on these grounds.

7.6.2 The application site is located within 2km of the Thames Basin Heaths Special Protection Area and Natural England are currently advising that new residential development has the potential to adversely impact on the protected sites due to increase recreational pressure. In this instance the development proposes a care home for the elderly which would fall within Use Class C2. A legal agreement is also required to secure controls to limit trips and/or outings from the proposed care home to the SPA, information provided to each new staff member and resident to explain the value and fragility of the SPA and preclusion of dogs (except those required for the care of patients, e.g. guide dogs) to the site to limit the impact of the current proposal on the integrity of the Thames Basin Heaths Special Protection Area. So long as a legal agreement is provided by 22 December 2014, no objection is raised to the proposal on these grounds. Accordingly it is considered that the application meets the objectives of Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the National Planning Policy Framework.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

9.0 CONCLUSION

9.1 The development proposed would be sympathetic to the character and the appearance of the area and would not impact on the amenities currently enjoyed by the occupants of the surrounding residential properties. The development would not give rise to conditions prejudicial to highway safety and would not impact on the Thames Basin Heaths Special Protection Area or local infrastructure provision.

10.0 RECOMMENDATION

Recommendation 1:

Defer and Delegate to the Executive Head of Regulatory Services and subject to the receipt of a satisfactory legal agreement to secure:

- an agreement from the applicant to limit trips and/or outings from the proposed care home to the SPA;
- information provided to each new staff member and resident to explain the value and fragility of the SPA; and
- preclusion of dogs (except those required for the care of patients, e.g. guide dogs)

by 22 December 2014, and at no cost to the Council, the Executive Head of Regulatory Services to be authorised to grant planning permission subject to the conditions detailed below:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The premises shall be used for care home only and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To retain control over the future use of the building and to ensure the development would not impact on the Thames Basin Heaths Special Protection Area.

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. Notwithstanding the details submitted, no development including demolition shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces. The statement should also contain details of arboricultural supervision and frequency of inspection along with a reporting process to the Tree Officer. All works to be carried out in strict accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
 3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 5 years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. No development shall take place until full details of surface water drainage systems and foul water drainage system are submitted and approved in writing by the LPA. The surface water drainage system details to include attenuation of 1:100 year event at 30% climate change. Once approved the details shall be carried out prior to first occupation in accordance with the approved scheme.

Reason: To ensure a satisfactory development and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for 29 cars to be parked including 2 disabled spaces and for 16 cycles to be parked. These shall be used and retained exclusively for its designated use.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and thereby reduce the reliance on the private car and meet the prime objective of the National Planning Policy Framework.

8. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials

- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) wheel washing facilities
- (h) confirmation that no on-site burning of material is to be undertaken

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice residential amenity or highway safety, nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Before first occupation of the development hereby approved the window(s) at or above first floor level in the east elevation of the north wing (facing 13 and 15 Kingsclear Park) shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10. The proposed development shall be built in accordance with the following approved plans: 5139 (3) LP001, SE001, PL001(C), PL002(B), PL003(C), EL001(A), EL002(A), SP001, SP002(J), 8451/01, 02, ME(01)001, 5139(3)EL004, EL003., unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the NPPG.

11. Prior to the commencement of development details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and to accord with the objectives of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by

neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to the first occupation of the development hereby approved on site details of refuse storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

14. Prior to the first occupation of the development hereby approved on site details of cycle storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to reduce the need for the use of the car and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. The proposed development shall be implemented in accordance with the recommendations set out in Section 4 of the Environmental Dimension Partnership Ecological Appraisal Report (May 2014), for birds and other species, Section 8.0 of the Surrey Wildlife Trust Badger Report (June 2014, amended July 2014) and Section 6 of the Surrey Wildlife Trust Bat Emergence Survey Report (October 2014) unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2014 and the National Planning Policy Framework.

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5

Recommendation 2:

In the event that a satisfactory legal agreement is not completed to secure the required mitigations set out in Recommendation 1 above by 22 December 2014, the Authority will undertake an Appropriate Assessment and if the Authority is then unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Special Scientific Interest (SSSI) then the application shall be refused for the following reason:

The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the

proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with guidance contained in the NPPF and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).