

Application No: 12/3740N

Location: Cedar Court, Corbrook, Audlem, Crewe, CW3 0HF

Proposal: Proposed alterations to Cedar Court to provide a 35 bedroom Nursing Home within the existing building for which planning permission has been granted for a Nursing Home (Ref: 10/4845N and 11/4578N).

Applicant: Morris & Company Limited

Expiry Date: 31-Dec-2012

SUMMARY RECOMMENDATION:

- Approve subject to conditions

MAIN ISSUES

- Principle of the conversion,
- The impact on the character and appearance of the buildings,
- Residential amenity
- Highway safety.

1. REFERRAL

The application has been referred to southern planning committee because it is a major development, by virtue of the floor area.

Members may recall that this item was deferred at the Southern Planning Committee Meeting on 21st November 2012 for two reasons:

1. To consider more restrictive condition on occupation (Cheshire East residents only)
2. To confirm whether size of rooms and shared en-suite facilities meet current standards.

These matters are considered below.

Occupancy condition

According to Circular 11/95 "*Use of conditions in planning permission*" conditions should be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

According to paragraph 15: "*in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.*"

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. Given that there is no adopted or emerging local plan policy or guidance within the NPPF which indicates that care home accommodation should be specifically for, and restricted to, existing residents of the local area in which it is to be constructed, it is not considered that there would be a planning policy basis for refusing the application if the condition were not to be imposed. In other words, the condition is not required to ensure that the development complies with a Local Plan policy and is therefore not necessary.

Furthermore, it is considered that such a condition would be unreasonable as it would be overly restrictive to the applicant from a commercial point of view, which would go against the thrust of central government advice in respect of facilitating business and economic growth as set out in the NPPF and the Planning for Growth Ministerial Statement.

It is also necessary to give consideration to the previous approvals on this site for conversion of the building to a total of 24 nursing bedrooms (applications 10/4845N and 11/4578N refer). These permissions were not subject to any restrictive conditions and could still be implemented. Given that the Council has already acknowledged through the previous consents that 24 bedrooms without a restrictive condition could be provided on this site, such a condition could now only be applied to a maximum of 11 bedrooms.

If the applicant were to exercise their right to Appeal against such a condition, it is considered that the Council would have difficulty in providing evidence as to why 24 bedrooms, without restriction were considered to be acceptable, whereas 35 were not, particularly given that there is no national or local planning policy in place to support this stance.

Therefore, in summary, whilst Members concerns are noted, it is not considered that the proposed occupancy condition should be imposed as it would not comply with the tests of Circular 11/95.

Standard of Accommodation.

The applicant has provided the following supporting statement regarding the proposed standard of the facilities:

Morris Care have designed Cedar Court to accommodate 35 residents with nursing and dementia requirements. Increasingly we are approached by families to accommodate and look after family members with dementia because they can no longer cope. Currently we are unable to satisfy this requirement – Cedar Court is planned to cover this need.

In the design process we have not only drawn on the considerable in-house experience of Morris Care but have also consulted with leading experts in the field of dementia care as well as commissioners of dementia care and charitable organisations passionate about ensuring the best possible environment for care is available for their client group. Our philosophy is to provide a dementia unit which is visionary both in terms of how we operate it but also in terms of the accommodation provided. To inform this we have engaged with Stirling University which is acknowledged as being one of the leading

authorities in dementia care. We have had discussions and site visits from representatives of Central and Eastern PCT Older Persons Mental Health Team and the Downs Syndrome Association.

The overriding advice we have had is that Cedar Court, as designed, would lend itself to a dementia care home. We will have a spacious garden around the conservatory which can be made secure with the minimum of intrusive fencing thereby creating a calming and, so far as possible, normal garden arrangement.

We will have lots of circulatory space on each floor as well as a number of sitting rooms and quiet areas should the need arise.

The bedrooms of service users are generally configured in families of three and sometimes two rooms each with their own entrance and en-suite shower room. The individual bedrooms do not have their own en-suites which accords with how the majority of service users would live at home. An en-suite bathroom for the age profile of resident we are likely to look after would be very unusual. This configuration of clusters of rooms has been especially liked by those we have asked to advise us.

The principal thrust of our design philosophy is to make the interior as much like the home our service users have come from as possible. We are looking carefully at colours, lux levels and light fittings used, furniture and reference points such as appropriate wall pictures and decorative detail. Our staff will be more integrated within the day to day living rhythm of the home than would normally be the case in a normal nursing home. Our assisted bathing will, so far as possible, feel like a domestic space – it is very unlikely that service users will be able to bathe unaided but the configuration of the building will enable this should it be required.

In summary we have, in partnership with leading experts and those involved at the 'coal face', endeavoured to design a space that will meet the needs of our proposed client group in the most desirable and sensitive way.

On the basis of the above, it is considered that Members previous concerns have been addressed and that the proposal complies with relevant Local Plan policies in respect of residential amenity of future occupiers.

2. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to Corbrook Court at Audlem, which is a former country residence, which has been converted and heavily extended in order to form a nursing home. Planning permission was granted in 2006 for a new-building to the rear of the main house to provide 15 self contained extracare units (known as Cedar Court). This has since been completed. However, the developer is experiencing difficulty in letting the units and therefore planning permission was granted on 14th February 2011 for change of use of part of the existing building to provide 12 nursing bedrooms and associated facilities. (Application 10/4845N refers)

A further permission was granted in March 2012 (11/4578N refers) for the change of use of the remainder of the building to provide a further 12 nursing bedrooms. The proposals involved the addition of 2 small windows in the exterior of the building and internal alterations.

Consent was also granted to vary condition 4 of planning permission 10/4845N to remove the age restriction for the nursing home use.

This application is a revised scheme for the change of use of the whole building to provide a 35 bed nursing home.

3. PREVIOUS RELEVANT DECISIONS

P05/1061	Two Storey Accommodation Block comprising 15 Units 27/03/2006
P07/0684	Single Storey Link Between Existing Nursing Home and Extra Care Facilities 10/07/2007
10/4845N	Proposed Alterations and Extension to Provide 12 Nursing Bedrooms and Change of Use of Part of the Building from Extra Care to Nursing Home Use – approved 14 th February 2011
11/4578N	Alterations to provide 12 nursing bedrooms and variation of conditions – Approved March 2012

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

NE.2 (Open Countryside)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
TRAN.9 (Car Parking Standards)

5. OBSERVATIONS OF CONSULTEES

Environmental Health

- No objection to the above application.
- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Highways

No comment received at the time of report preparation.

6. VIEWS OF THE PARISH / TOWN COUNCIL:

No comment received at the time of report preparation.

7. OTHER REPRESENTATIONS:

No other letters of representation have been received.

8. APPLICANT'S SUPPORTING INFORMATION:

None submitted.

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the acceptability, in principle of the conversion, the impact on the character and appearance of the buildings, residential amenity and highway safety.

Principles of Development

The proposal involves the change of use of an existing building within the open countryside to a residential use and therefore policy NE 15 is relevant. Policy NE.15 requires the consideration of commercial uses before residential uses will be permitted. Given that the proposed nursing home, will be run on commercial basis, it is considered that there is no conflict with this element of the policy. The other criteria under Policy NE.15, relate to design and highway matters, and are dealt with below.

Policy NE.16 deals with the commercial re-use of existing buildings and states that such proposals will be acceptable subject to a number of criteria. The building is newly constructed and is therefore of substantial, sound and permanent construction. It would not lead to the dispersal of activity on such a scale as to prejudice the vitality of Audlem Village. The nature of the proposed use is such that it will not harm the local environment through the creation of any form of pollution and there will be no form of commercial activity outside the building. The other criteria are similar to those contained within Policy NE.15, and relate to design and highway matters. As stated above, these are dealt with below.

The need for the nursing bedrooms was demonstrated by supporting information submitted under planning application 10/4845N and the applicant has confirmed that the demand remains in line with that information

In respect of the previous application, the Council's Adult Services Section raised concerns that 43% of current residents are from outside the Cheshire East area and they would not want to see this replicated in any further provision. They have also stated that they would hope that the charges made at the development would be in line with Cheshire East contract price for nursing home accommodation.

Whilst it would be possible to impose conditions or legal agreements to restrict occupancy or prices for accommodation, according to Circular 11/95 in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. Given that there are no policies in the local plan relating to nursing home development, or its occupancy, the conditions are not necessary in order to ensure compliance with the development plan and there would be no grounds to refuse the application were they not imposed. Consequently, the conditions are not considered to be justifiable or necessary within the terms of the 6 tests as set out in the Circular. Similar tests exist in respect of legal agreements.

Highways

The change from extracare, where residents are more able, to nursing accommodation, where closer care is required, will result in an increase in the number of staff by 6FTE. This is considered to be a relatively small increase in staff vehicle movements. Furthermore, due to the greater level of infirmity of nursing home residents, relative to extracare it is unlikely that residents would be able to travel to and from the site independently. Consequently, traffic generation would reduce as a result. It is considered that this would compensate for the increase in staff vehicle movements. Whilst there would also be some traffic created by visitors to nursing home residents, the extracare facility also created visitor traffic.

In the light of the above, and in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highway safety or traffic generation grounds could be sustained.

Design

The only physical alteration to the external appearance of the existing building involves the incorporation of one new timber window to the North West elevation to serve the proposed ground floor admin office and reception. The windows will match the style of the existing windows and will not adversely affect any part of the existing development. It is therefore considered to be acceptable in design terms.

It will be sited on a part of the elevation, where there are already 2 similar window openings and a door.

Amenity

The nearest neighbouring property is over 100m from the building in question and therefore the proposed conversion or extension would not be harmful to neighbouring amenities with regard to noise, disturbance, overlooking or overshadowing. The proposed alterations to window openings will face towards the existing nursing home building alongside and therefore do not raise any privacy or amenity issues. The new opening will be sited on a part of the elevation, where there are already large window openings. Consequently it will not result in any loss of amenity to the existing residential accommodation within the nursing home complex or surrounding properties.

Conditions

The previous application on the site also sought to vary condition 4 of planning permission 10/4845N which limited the occupancy of the nursing bedrooms granted under the first element of the Cedar Court redevelopment “to persons at or above 55 (fifty five) years of age and the spouse of such a person or a widow or widower of the same”. The developer wanted to make the accommodation available for persons under 55 in need of full time nursing care.

It was agreed that the age of the occupants has no bearing on the impact of the development on the surrounding area in land-use terms.

However, it was considered that some restriction was required to prevent the building from simply becoming a house in multiple occupation which may have amenity and highways implications over and above those generated from a nursing home. For example, if the building were occupied as an HMO by able bodied working people, traffic generation would be significantly greater. The condition was therefore amended to restrict the occupation of the building to “persons in need of full time nursing care and the spouse of such a person or a widow or widower of the same”. It is proposed that the same condition be applied to this revised consent.

Conclusion

The principle of the proposed conversion is considered to be acceptable, and whilst the concerns of the Adult Services Section in respect of occupancy and pricing are noted, there is no conflict with the development plan and as a result conditions or legal agreements could not be justified in this case.

The proposals are considered to be acceptable in terms of design, amenity and highway safety. Having due regard to all other material considerations raised, the proposal is considered to be in accordance with the development plan and accordingly is recommended for approval.

10. RECOMMENDATIONS

APPROVE subject to conditions:-

Conditions

- 1 Standard**
 - 2 Reference to plans.**
 - 3 Materials**
 - 4 Occupancy restriction to those in need of full time nursing care.**
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