

BRECKLAND COUNCIL - PLANNING COMMITTEE - 30-09-2013

ITEM	6	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0626/F	CASE OFFICER: Jayne Owen
LOCATION:	SWANTON MORLEY Lincoln House Care Home Dereham Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Lincoln House Care Home Dereham Road Swanton Morley	
AGENT:	Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL:	20 Assisted Living Units (C2 use) Part 1	

KEY ISSUES

Principle
Design
Amenity
Highway safety
Trees and landscape
Contaminated land

DESCRIPTION OF DEVELOPMENT

The proposal seeks the construction of 20 assisted living bungalows on 0.81 ha of land at Lincoln House Nursing Home. The overall development area is approximately 1.82 hectares which includes the doctors surgery. The proposed layout provides for the existing layout to be retained. It is proposed to retain existing hedging and use new 1.2 m high timber post and rail fencing where appropriate and new landscaping will include traditional Norfolk hedging and tree planting. Materials comprise soft red brick, black weatherboarding, clay pantiles and timber windows. The existing access road through the site is proposed to be extended eastwards into the additional land area.

The application is accompanied by a Contaminated Land Phase I Desk Study, a Design and Access Statement and Tree Constraints Plan.

SITE AND LOCATION

The application site comprises land outside the Settlement Boundary of the village of Swanton Morley. The site is on Woodgate Road adjacent the grounds of an existing 98 bed

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residential/nursing home, doctors surgery, 24 assisted living units and communal hall.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2013/0627/F - 5 Assisted living units (C2 use) Part 2 in conjunction with con-current application for 20 assisted living units - Not yet determined
3PL/2012/1060/F - 27 Assisted living units (C2 use) - Withdrawn
3PL/2012/1059/F - Extension to community hall - Approved
3PL/2009/0242/F - 30 bed care unit - Approved
3MA/2009/0012/MA - Changes to garages and carports and plots 5 and 6 amendment to planning permission 3PL/2007/0115/D - Approved
3PL/2007/0115/D - Reserved matters approval for high dependency care assisted living units and communal hall - Approved
3PL/2006/0332/O - Outline planning permission - Proposed high dependency care assisted living units, communal hall and 30 bed care unit - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
NPPF	With particular regard to paragraphs 7, 12, 14, 17, 28, 47, 56, 57, 58, 70, 97, 100

CONSULTATIONS

SWANTON MORLEY PC -

Objection to Planning Applications 3PL/2013/0626/F and 3PL/2013/0627/F

Please be advised that Swanton Morley Parish Council strongly objects to the aforementioned planning applications for further assisted living units on the Lincoln House site in Swanton Morley. This has been decided for the following reasons:

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1) Settlement Boundary

This development is outside the settlement boundary. The Parish Council spent a significant amount of time working with Breckland District Council's planning policy department and consulting with local residents about where future development in Swanton Morley should be, as part of the Local Development Framework. A site in the village was allocated for future development, and the settlement boundary was removed from the Woodgate area, in which the applicant wishes to develop. The Woodgate area is a small hamlet adjoining the main village with a separate character to the main village. A further 25 dwellings would be deemed as significant over development for this area. It was the wish of the residents and the Parish Council and agreed by the Breckland District Council's planning policy team that this area should have its settlement boundary removed. This was subsequently written into the LDF policy document which has been agreed as sound by the planning inspectorate. Building a further 25 dwellings in this area would not only make a mockery of the consultation the Parish Council undertook with the residents of the area, but also of the LDF document itself.

2) Access to the Site

The entrance to the Lincoln House development is on Woodgate Road. This road is very narrow and is unsuitable for the level of traffic that the Lincoln House site currently generates, let alone any further development. In the access statement the applicant states:

"It is anticipated that the proposal will not cause any more nuisance than already exists. It is also expected that many of the residents will not have cars".

The first sentence admits that the access to the site is already problematic. The latter statement is an assumption which is not based upon fact. The plans show a "typical garage addition" and indeed after the last bungalows were built, Breckland District Council had planning applications submitted to them to build additional garages. It is the experience of the Parish Council that most of the residents have vehicles (the applicant looks to provide 25 extra car parking spaces, therefore must be in agreement) and, adding the vehicle movements of visitors, will cause a dangerous level of traffic on a junction which is already very problematic. When the previous application was submitted in October 2012 the applicant admitted that no PCU (Private Car Usage) count had been performed, either for present usage or future usage. The Parish Council can see no evidence of a PCU count for this application. The Parish Council would like to see the evidence behind the applicant's aforementioned statements about vehicular access. The Parish Council would also like the Planning Committee to note the number of accidents which have occurred at the junction of Dereham Road and Woodgate. Local knowledge will testify to two in the past year alone.

3) Drainage

Residents of Woodgate are already subject to excess surface water overflowing from the site and flooding their properties, the surface water drainage pond being inadequate for the current development let alone a further 25 dwellings. The applicant states that the pond was built to accommodate future dwellings however, the local knowledge of the Parish Council and residents would testify that this is not sufficient.

4) The Usage Class of the Application

The applicant insists that the dwellings are of a C2 nature. The Parish Council, along with Breckland District Council's planning policy team (internal memos from Planning Policy to Development Control dated 22nd July 2013 refs: 2013[0626]170713 and 2013[0627]170713 showing as Appendix 1 and Appendix 2) insists that this is a C3 development. According to The Town and Country Planning (Use Classes) Order 1987, a C2 development is one for:

"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre."

The applicant makes much of the independence that the development will give to residents.

Appendix 3 shows an advertising poster in Swanton Morley promoting the bungalows as

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"Retirement Bungalows" and also emphasises the independent living for residents.

Appendix 4 shows an extract from the applicant's website which states

"In 2011 we successfully completed our latest innovative development, Woodgate Park in Swanton Morley, home to 24 spacious retirement bungalows for independent or assisted living".

From this statement on the applicant's website, the retirement bungalows can be used for assisted OR independent living, the word, "or" making the assisted living completely optional.

Residents are free to live there independently, making the dwellings classified as C3.

We would also like to draw the planning committee's attention to the following statement made by the applicant in the Design and Access Statement:

"The restrictions and conditions would be for the previous approved units all being linked to the Lincoln House Care Home and having a C2 use group"

The Parish Council objects to this statement, it being untrue and would like the Planning Committee to disregard this statement. The original intention of the units was that they were linked to the Lincoln House Care Home, and this was written into the section 106 agreement dated 24th January 2007 under item 6.2 (Appendix 5) as follows:

"The Units shall be operated as a care home for the elderly within the meaning of Section 3 of the Care Standards Act 2000 in connection with the Nursing Home at all times in the future"

The applicant applied for a variation of this Section 106 agreement, at which Breckland District Council agreed to remove this clause. This can be found under Section 5 of the Deed of Variation dated 2nd December 2008 (Appendix 6):

"Clause 6.2 of the Main Agreement shall be deleted"

The varied section 106 agreement now has no reference to the units being linked with the care home.

Furthermore, as evidence of the detachment of the units from Lincoln House Care Home, the applicant's own prospectus gives the property owner the opportunity to not sell the property back to the applicant, and sell the property on the open market (Appendix 7 Frequently Asked Questions):

"7. What happens to the property after it becomes vacant?

We have the first option to purchase the property. The option price will be determined by an independent surveyor, which both parties agree on.

If this option is not taken you can sell the property on the open market". The planning applications, the promotional literature and Section 106 agreement are completely at odds with each other. It is suggested that the applicant is applying for c2 usage to avoid any obligation to provide social housing, which the Enabling Officer at Breckland District Council acknowledges a need for, and green open space. With regards to social housing, when the applicant was granted planning permission for the original bungalows, the Parish Council was assured that some bungalows would be made available for social rent. Since then, the Parish Council has been made aware that as the rental properties have become vacant, then the applicant has then sold the properties on the open market, leaving only one property of the 24 available for rent. With regards to green open space, the applicant is denying residents the green open space they already enjoy by proposing to build over the wildflower meadow, and the applicant does not propose to replace this for the residents. This proposal has caused great upset to the current residents. The Parish Council held a meeting on 14th November 2012 to discuss the original proposal of 27 new dwellings and dementia unit. Below is an extract from the minutes of this meeting which make reference to the wildflower meadow:

"Mr R. Atterwill suggested that an alternative access to the dementia unit could be sought from the Tuddenham Road. The dementia unit could be sited on the current staff car park and another car park built. This would reduce the noise and visual impact for the people of Dereham Road. Residents of Woodgate Park objected to this idea as some had paid extra for field views and this would take the access road across the wildflower meadow. Dr Kaushal advised that he had promised residents he would not build on this land."

These minutes have been confirmed as a true and accurate record of the meeting held. It would

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seem that the applicant has gone back on his word about building on the wildflower meadow. It would be interesting to see what contractual obligations the residents have in place with the applicant about premium paid for the views over the wildflower meadow.

In conclusion, the Parish Council believes this development is a wholly inappropriate overdevelopment for Woodgate, giving no consideration for the wellbeing of the current residents and bringing no benefit to the village of Swanton Morley. We would ask the Planning Committee to take the concerns of the Parish Council and current residents very seriously. We appreciate that there is a need for care for an ever growing elderly population, but this development seeks to benefit no one bar the applicant.

We note the three letters of support supplied by the applicant, but would hasten to add that one letter is from the company where the applicant is the Managing Director and one is from Elmham surgery, where the applicant was a salaried doctor until November 2012.

Appendices available on the web site

Further comments 12th September, 2013

Further to receiving updated plans on the highway design for the aforementioned applications, Swanton Morley Parish Council considered these plans at its meeting on 9th September and would advise as follows:

Swanton Morley Parish Council continues to object to these applications and does not believe that the updated plans go any distance to addressing the safety of traffic entering the development via the Woodgate/Dereham Road junction. Only this week, the wooden bollard to prevent parking on the pavement by the junction on Dereham Road has been knocked down by a vehicle strike. This is the third time this year. Norfolk County Council Highways has indicated that they are considering not replacing this bollard should a further strike happen, due to the cost of constantly having to replace it. Not only does this provide evidence of the traffic movement by this dangerous junction, but we face the prospect of visibility being impaired in the future by vehicles parking on the path, should this bollard not be replaced.

In addition to this, we would question how a new 2m pathway to the Dereham Road will be feasible. Will this pathway narrow this already dangerous road? The pathway cannot be built on the applicant's land, as this land belongs to the Natural Trust to preserve land which belonged to the ancestors of Abraham Lincoln.

The Parish Council would be prepared to look again at the Highways aspect of this application if there were to be a new access route from the Tuddenham Road. This was raised to the applicant at the meeting with residents held to discuss the original application for 27 bungalows in November 2012. The Parish Council stands by its opinion as this is the safer option for access into the area, rather than putting pressure on a dangerous junction on a 90 degree bend in the road. We would like to remind members of the Planning Committee that the Dereham Road forms part of the B1147 which is a designated HGV route. This road suffers greatly from high usage and fast moving traffic entering the village.

We would, in addition to this, like to see wider roads within any future development. We feel that the ones proposed are too narrow to support any form of emergency vehicle trying to access the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

NATURAL ENGLAND

Natural England raises no objection to this proposal having confirmed that there is not likely to be

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a significant effect on the River Wensum SAC or the River Wensum SSI.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No objection comments and recommendations made to the applicant which, if implemented, will reduce the likelihood of crime, disorder and anti-social behaviour.

ECONOMIC AND STRATEGY OFFICER

One fire hydrant is required. This could be delivered through a planning condition.

TREE & COUNTRYSIDE CONSULTANT

Tree protection fencing condition 3414 and the recommendations of Ravencroft Tree Services submitted plan should be appended to any consent.

ENVIRONMENTAL PLANNING

The site is outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled through Policy DC2 (Principles of New Housing) of the Adopted Core Strategy and guidance within the National Planning Policy Framework (NPPF). The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals DPD (adopted January 2012) to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area; it is considered that the cumulative impact of the 24 unit development permitted in 2007 and an additional 20 units would result in a hard new edge to the settlement of Seantong Morley and result in Coalesce with Woodgate. This is referenced within the Breckland District Settlement Fringe Landscape Assessment which recommended avoiding further nucleation and/or coalescence with the adjoining hamlet of Woodgate. This would now be further exacerbated by the introduction of an additional 5 units to the south of the existing built up area which is considered to provide an increased spatial area of built form in this part of Woodgate. Given its impact upon the landscape character of this part of Swanton Morley/Woodgate area it is recommended that the application is assessed against Core Strategy Policy CP11 (Protection and Enhancement of the Landscape).

The applicant classifies the assisted living units as C2 use; however the Use Classes Order (Land Use Gazetteer) consider units which are capable of independent living (which appears to be the case with this scheme) to be residential units and are therefore considered to be a C3 use. As such the principle of new residential dwellings in this location is contrary to the provisions of Core Strategy Policy DC2.

Given the C3 nature of the proposed use, it is considered the application(s) should provide 40% affordable housing as expected by Core Strategy Policy DC4 and to make a contribution towards open space in accordance with Core Strategy Policy DC11. However, it is appreciated it would be unreasonable to expect either childrens sports or outdoor play space to be provided given the proposed future users for the new dwellings, however the policy would expect some on-site amenity space to be provided. It is unclear whether the land surrounding the proposed dwellings is public amenity space, or whether the land proposed is sufficient to satisfy Core Strategy DC11 requirements.

The application would appear to comply with Policy DC14 (Energy Generation and Efficiency)

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where development above 10 units needs to supply 10% of their energy through on-site and/or decentralised renewable sources.

HOUSING ENABLING OFFICER

If accepted as a C2 use class, then there would be no requirement for affordable housing provision. However, if it were determined that the dwellings actually met the C3 use class then the development would be liable to an affordable housing contribution. There is a need within Breckland for this type of accommodation.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions relating to existing lighting, hours and operation noise.

ENVIRONMENT AGENCY - No Comments Received

REPRESENTATIONS

Letters of objection have been received raising the following issues:

Highway safety; drainage/flooding; increase in lighting/street lighting will exacerbate existing problem with lights from doctors surgery on constantly at night; understand there will be a new entrance made for construction vehicles - if this is off Woodgate Road this is unacceptable; access was one of the main objections to previous application.

Letters in support have been received from Norfolk County Council, Elmham Surgery and Castlemeadow Care commenting as follows:

Lincoln House provides a well managed environment to serve the varying health and social care needs of individuals who require increased care support; In the last few years there has been increasing emphasis towards end of life care in the community and Lincoln House has established protocols with the surgery to ensure all care needs are met in the home rather than requiring hospital or hospice admission; Woodgate Park provides a setting in which the residents can retain independence but have access to additional care facilities when required. The complex provides easy access to the surgery for medical needs; The proposed development will support individuals with dementia and rehabilitation needs; Norfolk County Council advise there is generally a shortage of care homes that can support the needs of people with significant dementia and care homes with nursing. The proposals are broadly in line with the overarching policy of more personalised care, closer to the patients home and supporting people to remain in their home for as long as reasonably possible.

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a major application.

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Principle

- * The application is a proposal for 20 assisted living units and is to be read in conjunction with a concurrent application for 5 assisted living units submitted under planning reference 3PL/2013/0627/F, included on this agenda.
- * The site lies outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled in accordance with Core Strategy Policy DC2 and guidance set out in the NPPF.
- * The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals Development Plan Document adopted in January 2012 to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area.
- * The Breckland District Settlement Fringe Landscape Assessment recommends avoiding further nucleation and/or coalescence with Woodgate.
- * Given its impact upon the landscape character of this part of Swanton Morley/Woodgate area it is also appropriate to assess the application against Core Strategy Policy CP11 (Protection and Enhancement of the Landcape).
- * For the purposes of planning policy the proposed assisted care living units present some difficulties in terms of definitions of use, due to the specialised nature of the proposed accommodation. However, on the basis of the information provided, it is considered that these do not strictly fall within the definition of a C3 use (dwelling) and as such DC2 does not apply, nor is there any request for an affordable housing contribution. This is the approach taken with existing units on site.
- * In support of the proposal it is argued that the development should not be viewed as a housing scheme but rather as an extension of the existing facilities provided at the Lincoln House Nursing Home. It is further argued that the development would provide much needed accommodation for the frail elderly.
- * In line with current health care initiatives, the development would allow a seamless care service to be provided from semi-independent living accommodation through to full nursing care. Letters of support form part of the submission from Norfolk County Council, Elmham Surgery and Castlemeadow Care.
- * 24 assisted living units together with a communal hall have already been built at the site. The applicants state that the concept of the development has worked better than previously anticipated. It meets the aims and objectives of numerous Department of Health and Social Care reports that look to tackle the challenges faced meeting the care needs of a growing elderly population, including preventing hospital admission, maintaining independence at home with effective back up support on demand when required and prevention of bed blocking in hospitals through early discharge.
- * Owing to the success of Woodgate Park the applicants are now working with other health care agencies including the Norfolk and Suffolk NHS Foundation Trust in the prevention of hospital admissions and bed blockage in the wider community. The facilities provided for residents also include the existing communal hall for socialising, care workshops, active therapy, chiropody and hairdressing. The applicants state there is a growing demand for this type of dwelling and they have a waiting list.
- * Should planning permission be granted for assisted living units at this site, a Section 106 Agreement is appropriate to ensure that the occupancy of the units is limited to persons over 60 years of age and in need of care.

Design

- * The detailed design of the proposed assisted care living units and proposed external finishes would be in keeping with Lincoln House and the adjacent doctors' surgery. The units have been

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arranged to provide a compact form of development similar to the existing assisted living units at the site. The design and layout would create a varied and interesting roofscape when viewed from the surrounding area. It is considered that the design and appearance of the proposed units are acceptable and would be in keeping with the existing built form and local context. Materials are appropriate to the rural context comprising soft red brick, black weatherboarding, clay pantiles and timber windows. A condition requiring full details of materials is appropriate.

Amenity

* The proposed development would not have a significant impact on existing residential amenity and adequate regard has been given to the amenity of future occupants of the development site.

Highways

* Norfolk County Council Highways have been consulted on the proposal and following receipt of satisfactorily amended plans have raised no objections to the proposal subject to conditions.

Trees and Landscape

* The site, the subject of this application, benefits from good boundary screening and existing hedging is proposed to be retained together with new 1.2 m timber post and rail fencing where appropriate. The Tree and Countryside Consultant has been consulted on the proposal and no objections have been raised subject to conditions including tree protection fencing and that the development is carried out in accordance with the submitted Tree Constraints and Protection Plan. It is also proposed to landscape the development with native planting and trees. A landscaping scheme can be satisfactorily secured by way of an appropriate landscaping condition.

Contaminated Land

* The Contaminated Land Officer has been consulted and no objections have been raised subject to conditions.

Drainage

* The application site is within Flood Zone 1. Foul drainage from the development would be discharged to the existing mains sewer. Surface water from the proposed roads and buildings would be to the existing pond/lagoon as indicated and to existing adjacent ditches. The foul and surface water design has been previously undertaken by Messrs Plandescil Consulting Engineers in consultation with Anglian Water and the Environment Agency for the previous scheme and allowances were made for this potential new development. The Environment Agency has been consulted on the proposal and their response will be reported verbally to the Committee.

Conclusion

* The proposal would provide enhanced residential care facilities in line with current health care initiatives and having regard to the precedent set by existing built form at this site, including 24 assisted living units approved in 2007 together with a communal hall under planning permission reference 3PL/2007/0115/D, which are all now built and occupied. Visual impact from the additional units would be minimal and, in terms of highway safety, the scheme has been accepted by the Highways Authority. It is therefore recommended that permission be granted.

RECOMMENDATION

Planning Permission

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CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- 3920** Highways - access/on site parking
- 3920** Highways - off site highway works
- 3920** Highways - off site highway works complete
- 3949** Contaminated Land - Site Investigation/Remediation
- 3946** Contaminated Land - Unexpected Contamination
- 3414** Fencing protection for existing trees
- 3920** In accordance with Tree Protection Plan
- DE08** Slab level to be arranged
- 3920** 10% renewables condition
- 3920** Landscaping
- 3920** Fire Hydrant provision
- 3923** Contaminated Land - Informative (Extensions)
- 3920** Highways Note
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions
- 3995** Section 106 Note

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ITEM	7	RECOMMENDATION : APPROVAL
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PROPOSAL:	5 Assisted Living Units (C2 use) Part 2 in conjunction with con-current app for 20 Assisted Living Units	

KEY ISSUES

Principle
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Amenity
Highways
Trees and landscape
Contaminated land

DESCRIPTION OF DEVELOPMENT

The proposal seeks the construction of 5 assisted living bungalows at Lincoln House Nursing Home. The overall site area is approximately 1.82 hectares which includes the doctors' surgery. It is proposed to retain existing hedging and use new 1.2 m high timber post and rail fencing where appropriate and new landscaping will include traditional Norfolk hedging and tree planting. Proposed materials comprise soft red brick, black weatherboarding, clay pantiles and timber windows.

The application is accompanied by a Contaminated Land Phase I Desk Study, a Design and Access Statement and Tree Constraints Plan.

SITE AND LOCATION

The application site comprises land outside the Settlement Boundary of the village of Swanton Morley. The site is on Woodgate Road adjacent the grounds of an existing 98 bed residential/nursing home, doctors' surgery, 24 assisted living units and communal hall.

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EIA REQUIRED

No

RELEVANT SITE HISTORY

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CONSULTATIONS

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Please be advised that Swanton Morley Parish Council strongly objects to the aforementioned planning applications for further assisted living units on the Lincoln House site in Swanton Morley.

This has been decided for the following reasons:

1) Settlement Boundary

This development is outside the settlement boundary. The Parish Council spent a significant amount of time working with Breckland District Council's planning policy department and consulting with local residents about where future development in Swanton Morley should be, as part of the Local Development Framework. A site in the village was allocated for future

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development, and the settlement boundary was removed from the Woodgate area, in which the applicant wishes to develop. The Woodgate area is a small hamlet adjoining the main village with a separate character to the main village. A further 25 dwellings would be deemed as significant over development for this area. It was the wish of the residents and the Parish Council and agreed by the Breckland District Council's planning policy team that this area should have its settlement boundary removed. This was subsequently written into the LDF policy document which has been agreed as sound by the planning inspectorate. Building a further 25 dwellings in this area would not only make a mockery of the consultation the Parish Council undertook with the residents of the area, but also of the LDF document itself.

2) Access to the Site

The entrance to the Lincoln House development is on Woodgate Road. This road is very narrow and is unsuitable for the level of traffic that the Lincoln House site currently generates, let alone any further development. In the access statement the applicant states:

"It is anticipated that the proposal will not cause any more nuisance than already exists. It is also expected that many of the residents will not have cars".

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Residents of Woodgate are already subject to excess surface water overflowing from the site and flooding their properties, the surface water drainage pond being inadequate for the current development let alone a further 25 dwellings. The applicant states that the pond was built to accommodate future dwellings however, the local knowledge of the Parish Council and residents would testify that this is not sufficient.

4) The Usage Class of the Application

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"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre."

The applicant makes much of the independence that the development will give to residents.

Appendix 3 shows an advertising poster in Swanton Morley promoting the bungalows as "Retirement Bungalows" and also emphasises the independent living for residents.

Appendix 4 shows an extract from the applicant's website which states

"In 2011 we successfully completed our latest innovative development, Woodgate Park in Swanton Morley, home to 24 spacious retirement bungalows for independent or assisted living".

From this statement on the applicant's website, the retirement bungalows can be used for

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assisted OR independent living, the word, "or" making the assisted living completely optional. Residents are free to live there independently, making the dwellings classified as C3. We would also like to draw the planning committee's attention to the following statement made by the applicant in the Design and Access Statement:

"The restrictions and conditions would be for the previous approved units all being linked to the Lincoln House Care Home and having a C2 use group"

The Parish Council objects to this statement, it being untrue and would like the Planning Committee to disregard this statement. The original intention of the units was that they were linked to the Lincoln House Care Home, and this was written into the section 106 agreement dated 24th January 2007 under item 6.2 (Appendix 5) as follows:

"The Units shall be operated as a care home for the elderly within the meaning of Section 3 of the Care Standards Act 2000 in connection with the Nursing Home at all times in the future"

The applicant applied for a variation of this Section 106 agreement, at which Breckland District Council agreed to remove this clause. This can be found under Section 5 of the Deed of Variation dated 2nd December 2008 (Appendix 6):

"Clause 6.2 of the Main Agreement shall be deleted"

The varied section 106 agreement now has no reference to the units being linked with the care home.

Furthermore, as evidence of the detachment of the units from Lincoln House Care Home, the applicant's own prospectus gives the property owner the opportunity to not sell the property back to the applicant, and sell the property on the open market (Appendix 7 Frequently Asked Questions):

"7. What happens to the property after it becomes vacant?

We have the first option to purchase the property. The option price will be determined by an independent surveyor, which both parties agree on.

If this option is not taken you can sell the property on the open market". The planning applications, the promotional literature and Section 106 agreement are completely at odds with each other. It is suggested that the applicant is applying for c2 usage to avoid any obligation to provide social housing, which the Enabling Officer at Breckland District Council acknowledges a need for, and green open space. With regards to social housing, when the applicant was granted planning permission for the original bungalows, the Parish Council was assured that some bungalows would be made available for social rent. Since then, the Parish Council has been made aware that as the rental properties have become vacant, then the applicant has then sold the properties on the open market, leaving only one property of the 24 available for rent. With regards to green open space, the applicant is denying residents the green open space they already enjoy by proposing to build over the wildflower meadow, and the applicant does not propose to replace this for the residents. This proposal has caused great upset to the current residents. The Parish Council held a meeting on 14th November 2012 to discuss the original proposal of 27 new dwellings and dementia unit. Below is an extract from the minutes of this meeting which make reference to the wildflower meadow:

"Mr R. Atterwill suggested that an alternative access to the dementia unit could be sought from the Tuddenham Road. The dementia unit could be sited on the current staff car park and another car park built. This would reduce the noise and visual impact for the people of Dereham Road. Residents of Woodgate Park objected to this idea as some had paid extra for field views and this would take the access road across the wildflower meadow. Dr Kaushal advised that he had promised residents he would not build on this land."

These minutes have been confirmed as a true and accurate record of the meeting held. It would seem that the applicant has gone back on his word about building on the wildflower meadow. It would be interesting to see what contractual obligations the residents have in place with the applicant about premium paid for the views over the wildflower meadow.

In conclusion, the Parish Council believes this development is a wholly inappropriate overdevelopment for Woodgate, giving no consideration for the wellbeing of the current residents

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and bringing no benefit to the village of Swanton Morley. We would ask the Planning Committee to take the concerns of the Parish Council and current residents very seriously. We appreciate that there is a need for care for an ever growing elderly population, but this development seeks to benefit no one bar the applicant.

We note the three letters of support supplied by the applicant, but would hasten to add that one letter is from the company where the applicant is the Managing Director and one is from Elmham surgery, where the applicant was a salaried doctor until November 2012.

Appendices available on the web site.

Further comments 12th September, 2013

Further to receiving updated plans on the highway design for the aforementioned applications, Swanton Morley Parish Council considered these plans at its meeting on 9th September and would advise as follows:

Swanton Morley Parish Council continues to object to these applications and does not believe that the updated plans go any distance to addressing the safety of traffic entering the development via the Woodgate/Dereham Road junction. Only this week, the wooden bollard to prevent parking on the pavement by the junction on Dereham Road has been knocked down by a vehicle strike. This is the third time this year. Norfolk County Council Highways has indicated that they are considering not replacing this bollard should a further strike happen, due to the cost of constantly having to replace it. Not only does this provide evidence of the traffic movement by this dangerous junction, but we face the prospect of visibility being impaired in the future by vehicles parking on the path, should this bollard not be replaced.

In addition to this, we would question how a new 2m pathway to the Dereham Road will be feasible. Will this pathway narrow this already dangerous road? The pathway cannot be built on the applicant's land, as this land belongs to the Natural Trust to preserve land which belonged to the ancestors of Abraham Lincoln.

The Parish Council would be prepared to look again at the Highways aspect of this application if there were to be a new access route from the Tuddenham Road. This was raised to the applicant at the meeting with residents held to discuss the original application for 27 bungalows in November 2012. The Parish Council stands by its opinion as this is the safer option for access into the area, rather than putting pressure on a dangerous junction on a 90 degree bend in the road. We would like to remind members of the Planning Committee that the Dereham Road forms part of the B1147 which is a designated HGV route. This road suffers greatly from high usage and fast moving traffic entering the village.

We would, in addition to this, like to see wider roads within any future development. We feel that the ones proposed are too narrow to support any form of emergency vehicle trying to access the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

NATURAL ENGLAND

Natural England raises no objection to this proposal having confirmed that there is not likely to be a significant effect on the River Wensum SAC or the River Wensum SSI.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No objection comments and recommendations made to the applicant which, if implemented, will

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reduce the likelihood of crime, disorder and anti-social behaviour.

TREE & COUNTRYSIDE CONSULTANT

Tree protection fencing condition 3414 and the provisions of Ravencroft Tree Services plan and recommendations should be appended to any consent.

ENVIRONMENTAL PLANNING

The application is a resubmission of application 3PL/2012/1060/F which appears to have been split in to two schemes under application (3PL/2013/0626/F) for 20 assisted living units and (3PL/2013/0627/F) for 5 assisted living units at Lincoln House Care Home, Swanton Morley. The site is situated outside of the settlement boundary of Swanton Morley where new residential development should be strictly controlled through Policy DC2 (Principles of New Housing) of the Adopted Core Strategy and guidance within the National Planning Policy Framework (NPPF).

Both applications differ to that of the previously withdrawn scheme by virtue of reducing the 27 units proposed under (3PL/2012/1060/F) to a scheme of 20 and relocating an additional 5 units to the south of number 14 Jasmine Walk, which is further south of existing built up area. The applications are running concurrently and should be considered in tandem.

The general thrust of comments made to application 3PL/2012/1060/F is still relevant, however, have been updated to reflect the application/s in question.

The Woodgate settlement boundary was removed as part of the Site Specifics Policies and Proposals DPD (adopted January 2012) to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area. Whilst the scheme (3PL/2013/0626/F) has been reduced from 27 to 20 units on the north eastern part of Woodgate Road, it is still considered that the cumulative impact of the 24 unit development permitted in 2007 and an additional 20 units would result in a hard new edge to the settlement of Swanton Morley and result in coalesce with Woodgate. This was specifically referenced within the Breckland District Settlement Fringe Landscape Assessment at page 294, which recommended that 'avoiding further nucleation and/or coalescence with the adjoining hamlet of Woodgate'. This would now be further exacerbated by the introduction of an additional 5 units to the south of the existing built up area which is considered to provide an increased spatial area of built form in this part of Woodgate. Therefore, given its impact upon the landscape character of this part of Swanton Morley/Woodgate area, it is recommended that the application be assessed against policy CP11 (Protection and Enhancement of the Landscape).

The applicant classifies the assisted living units within the planning application as C2 use; however, the Use Classes Order (Land Use Gazetteer) consider units which are capable of independent living (which appears to be the case with this scheme) to be residential units and are therefore considered to be a C3 use. As such, the principle of new residential dwellings in this location is contrary to the provisions of Policy DC2 of the adopted Core Strategy.

It is considered that given the C3 nature of the proposed use that the application/s should comply with the 40% of affordable housing as expected by Policy DC4. Furthermore, new residential dwellings are expected to contribute towards open space provision under Policy DC11. It is appreciated that it would be unreasonable to expect either children's sports or outdoor play space to be provided given the proposed future users for the new dwellings; however, in the first instance the policy would expect some on-site provision, such as amenity space to be provided. It is unclear from the location plan whether the land surrounding the proposed dwellings is public

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amenity space, or whether the quantum of land proposed (if any) is sufficient to satisfy Policy DC11 requirements.

The application provides an energy assessment which recommends an 18.22% reduction with the use of solar thermal Solar Thermal system, therefore would appear to comply with Policy DC14 (Energy Generation and Efficiency) where development above 10 units needs to supply 10% of their energy through on-site and/or decentralised renewable sources.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions relating to external lighting, hours of operation and noise levels.

ECONOMIC AND STRATEGY OFFICER - No Comments Received

ENABLING OFFICER - No Comments Received

ENVIRONMENT AGENCY - No Comments Received

REPRESENTATIONS

Letters of objection have been received raising the following issues:

Highway safety; drainage/flooding; increase in lighting/street lighting will exacerbate existing problem with lights from doctors surgery on constantly at night; understand there will be a new entrance made for construction vehicles if this is off Woodgate Road this is unacceptable; access was one of the main objections to previous application; area of open space has been drastically reduced and the view ruined for many of the residents by this proposal.

A petition has also been received with 22 signatures objecting on the grounds of loss of view and loss of meadow as open space. However, a number of signatories have subsequently written to withdraw their initial objections.

Letters in support have been received from Norfolk County Council, Elmham Surgery and Castlemeadow Care supporting the proposal on the following grounds:

Lincoln House provides a well managed environment to serve the varying health and social care needs of individuals who require increased care support; established protocols ensure all care needs are met in the home rather than requiring hospital or hospice admission; there is a shortage of care homes that can support the needs of people with significant dementia and nursing needs providing more personalised care, closer to the patients home and supporting people to remain in their home for as long as reasonably possible.

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ASSESSMENT NOTES

* The application is referred to the Planning Committee as it needs to be considered in tandem with application 3PL/2013/0626/F.

Principle

* The application is a proposal for five assisted living units.

* The site lies outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled in accordance with Core Strategy Policy DC2 and guidance set out in the NPPF.

* The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals Development Plan Document adopted in January 2012 to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area

* The Breckland District Settlement Fringe Landscape Assessment recommends avoiding further nucleation and/or coalescence with Woodgate.

* Given its potential to impact upon the landscape character of this part of Swanton Morley/Woodgate area it is also appropriate to assess the application against Core Strategy Policy CP11 (Protection and Enhancement of the Landscape).

* For the purposes of planning policy the proposed assisted care living units present some difficulties in terms of definitions of use, due to the specialised nature of the proposed accommodation. However, on the basis of the information provided, it is considered that these do not strictly fall within the definition of a C3 use (dwelling) and as such DC2 does not apply, nor is there any requirement for an affordable contribution. This is the approach taken with the existing units on site

* In support of the proposal it is argued that the development should not be viewed as a housing scheme but rather as an extension of the existing facilities provided at the Lincoln House Nursing Home. It is further argued that the development would provide much needed accommodation for the elderly whose health is failing.

* In line with current health care initiatives, the development would allow a seamless care service to be provided from semi-independent living accommodation through to full nursing care. Letters of support form part of the submission from Norfolk County Council, Elmham Surgery and Castlemeadow Care.

* 24 assisted living units together with a communal hall have already been built at the site. The applicants state that the concept of the development has worked better than previously anticipated. It meets the aims and objectives of numerous Department of Health and Social Care initiatives that look to tackle the challenges faced meeting the care needs of a growing elderly population, including preventing hospital admission, maintaining independence at home with effective back up support on demand when required and prevention of bed blocking in hospitals through early discharge.

* Owing to the success of Woodgate Park the applicants are now working with other health care agencies including the Norfolk and Suffolk NHS Foundation Trust in the prevention of hospital admissions and bed blockage in the wider community. The facilities provided for residents also include the existing communal hall for socialising, care workshops, active therapy, chiropody and hairdressing. The applicants state there is a growing demand for this type of dwelling and they have a waiting list.

* Should planning permission be granted for assisted living units at this site, a Section 106 Agreement is appropriate to ensure that the occupancy of the units is limited to persons over 60 years of age and in need of care.

Design

* The detailed design of the proposed assisted care living units and proposed external finishes

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would be in keeping with the Lincoln House development. The units have been arranged to provide a compact form of development similar to the existing assisted living units at the site. The design and layout would create a varied and interesting roofscape when viewed from the surrounding area. It is considered that the design and appearance of the proposed units is acceptable and would be in keeping with the existing built form and local context. Materials are appropriate to the rural context comprising soft red brick, black weatherboarding, clay pantiles and timber windows. A condition requiring full details of materials is appropriate.

Amenity

* The proposed development would not have a significant impact on existing residential amenity and adequate regard has been given to the amenity of future occupants of the development site.

Highways

* Norfolk County Council Highways have been consulted on the proposal and following receipt of satisfactorily amended plans have raised no objections to the proposal subject to conditions.

Trees and Landscape

* Existing hedging is proposed to be retained together with new 1.2 m timber post and rail fencing where appropriate. The Tree and Countryside Consultant has been consulted on the proposal and no objections have been raised subject to conditions including tree protection fencing and that the development is carried out in accordance with the submitted Tree Constraints and Protection Plan. It is also proposed to landscape the development with native planting and trees. A landscaping scheme can be satisfactorily secured by way of an appropriate condition.

Contaminated Land

* The Contaminated Land Officer has been consulted and no objections have been raised subject to conditions.

Drainage

* The application site is within Flood Zone 1. Foul drainage from the development would be discharged to the existing mains sewer. Surface water from the proposed roads and buildings would be to the existing pond/lagoon as indicated and to existing adjacent ditches. The foul and surface water design has been previously undertaken by Messrs Plandescil Consulting Engineers in consultation with Anglian Water and the Environment Agency for the previous scheme and allowances were made for this potential new development. The Environment Agency has been consulted on the proposal and their response will be reported verbally to the committee.

Conclusion

* The proposal would provide enhanced residential care facilities in line with current health care initiatives and having regard to the precedent set by existing built form at this site, including 24 assisted living units approved in 2007 together with a communal hall. It is therefore recommended that permission be granted.

RECOMMENDATION

Planning Permission

CONDITIONS

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- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- 3920** Highways - access/parking.turning
- 3920** Highways - off site highway works
- 3920** Highways - off site highway works complete
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3946** Contaminated Land - Unexpected Contamination
- 3414** Fencing protection for existing trees
- 3920** In accordance with Tree Protection Plan
- DE08** Slab level to be arranged
- 3920** 10% renewables condition
- 3920** Landscaping
- 3920** Fire Hydrant provision
- 3923** Contaminated Land - Informative (Extensions)
- 3920** Highways Note
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions
- 3995** Section 106 Note