

**3/15/1028/FUL – Erection of cancer care unit with associated car parking at Rivers Hospital, High Wych Road, Sawbridgeworth, CM21 0BB for Ramsay Healthcare UK Ltd**

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**Date of Receipt:** 18.05.2015

**Type:** Full – Major

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION:**

That, subject to the referral of the proposals to the Secretary of State, and subject to the applicant or successor in title entering into a Legal Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. £6,000 Travel Plan Evaluation and Monitoring fee;

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)
3. Notwithstanding the lighting shown on drawing 6568/P07, prior to the commencement of development of the car park hereby approved, details of the external lighting proposed in connection with the car park, including details of shroud covers and light spillage, shall be submitted to and approved in writing by the Local Planning Authority, and no external lighting shall be provided without such written consent. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

4. Landscape design proposals (4P12 c,d,e,i,j,k,l)
5. Landscape works implementation (4P13)
6. Tree/hedge retention and protection (4P05)

### 3/15/1028/FUL

7. Prior to the commencement of development, a River Diversion Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the agreed Surface Water Drainage Assessment dated August 2015 and shall include details of how the main river can be diverted from underneath the site and proposed development. The scheme shall be implemented prior to first occupation of the approved development and shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide adequate surface water drainage and prevent flooding in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

8. Prior to first occupation of the development hereby permitted, a Green Roof shall be provided in accordance with Appendix E of the approved Surface Water Drainage Assessment dated August 2015 and shall thereafter be retained and maintained in accordance with the Sustainable Drainage Maintenance Plan set out in Appendix D of the above document, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure an appropriate drainage scheme for the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

9. Prior to first occupation of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with an agreed timetable. The Travel Plan shall include up-to-date site audits and surveys, details of the proposed development and forecast effects on staffing and patient numbers, and an update of the packages of measures and action plans.

Reason: To promote sustainable transport measures to the development in accordance with the National Planning Policy Framework.

10. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with those approved details. The Plan shall identify details of:

### 3/15/1028/FUL

- a) location and details of wheel washing facilities;
- b) methods for accessing the site including construction vehicles numbers, movements and routing;
- c) associated parking and storage areas for construction and delivery vehicles clear of the public highway.

Reason: To ensure that the satisfactory management of construction traffic in the interests of highway safety.

#### 11. Construction hours of working (6N07)

##### Informatives:

1. Other Legislation (01OL)
2. Protected Species (36PS)
3. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the culverted High Wych Ditch, designated a 'main river'. This is separate to and in addition to any planning permission granted.

##### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the very special circumstances evident in this case is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises an established hospital site located on the edge of Sawbridgeworth.

## 3/15/1028/FUL

The majority of the hospital site lies within the built up area of Sawbridgeworth, but the application sites fall within the Green Belt, the boundary of which closely follows the extent of the existing buildings on site. Vehicular access exists from High Wych Road. There are residential properties to the south of the site and open countryside (Green Belt) to the north, east and west.

- 1.2 This application proposes a new two storey building to accommodate a Cancer Care Unit with a single storey glazed link to the existing building. The building is proposed to the north of the site. The application also proposes a 20 space car park extension to the new 44 space car park that has been constructed to the west of the site, and recently granted a 32 space extension under application 3/15/1583/FUL.

## **2.0 Site History**

- 2.1 The site is the subject of an extensive planning history; the most recent and relevant are as follows:

3/15/1583/FUL	Proposed erection of new theatre and day case facility with associated car parking. (Amended scheme from LPA 3/15/0823/FP)	Approved with Conditions 21 September 2015
3/15/0823/FUL	Proposed erection of new theatre and day case facility with associated car parking.	Refused 22 June 2015
3/14/0844/FP	Additional car park to create 44 no. new car parking spaces including 8 no. 5 metre light columns and footpath link to main road.	Approved with Conditions 04 July 2014
3/14/0624/FP	2no. single storey prefabricated buildings with glazed roof covered link to existing building (re-submission)	Approved with Conditions 03 June 2014
3/14/0260/FP	Ground floor 10 bed ward extension and replacement parking.	Approved with Conditions 13 June 2014
3/13/1483/FP	Creation of 43 no. parking spaces with 3 no. additional light columns.	Refused 17 October 2013

### **3/15/1028/FUL**

3/09/1099/FP	Single storey portacabin extension on steel frame with link to main building (temporary permission).	Approved with Conditions 21 October 2009
3/09/0047/FP	Single storey pre-admission department extension in courtyard.	Approved with Conditions 06 March 2009
3/08/1832/FP	3 no. single storey extensions, 1 extension on piers, and new staff room within existing roof space.	Approved with Conditions 16 December 2008
3/08/1352/FP	3 no. single storey extensions and new staff room within existing roof space.	Approved with Conditions 10 September 2008
3/08/1048/FP	Single storey extension to side of main entrance.	Approved with Conditions 13 August 2008

### **3.0 Consultation Responses**

- 3.1 The Environment Agency initially objected on the grounds of development within 8 metres of a culverted main river (the High Wych Ditch). Following the submission of further drainage information they have removed their objection and comment that the applicant has demonstrated that it is possible to divert the main river around the site therefore avoiding the need to build over the currently culverted section. This will also improve biodiversity potential for the new stretch of river. They recommend a condition to require a detailed river diversion scheme prior to commencement of development.
- 3.2 The County Council Flood Risk Management Team object until a satisfactory surface water drainage assessment has been submitted. They were consulted on the revised drainage assessment but no response was received.
- 3.3 The Highway Authority do not wish to restrict the grant of consent subject to conditions. They comment that the proposal is acceptable in a highways context with the development of a robust Travel Plan. There have been no injury accidents at the junction with High Wych Road in the last five years. A parking and traffic study was submitted with approved application 3/14/0844/FP and the Highway Authority remain of the opinion that the development would be unlikely to have a significant impact on local junctions or the local road network. The

### **3/15/1028/FUL**

Planning Authority set the parking standards and should ensure that adequate parking is provided. As the development will prompt an increase in staff, patients and visitors, and includes an increase in car parking provision, a revised Travel Plan should be produced, including targets and measures to be agreed with the County Council. The Travel Plan should be secured through a Section 106 Legal Agreement and include provision for a Travel Plan Evaluation and Support Contribution.

3.4 The Council's Engineers initially commented that the development would be likely to increase the risk of flooding to patients and staff as it was proposed to construct over a culverted watercourse, the proposal would construct new impermeable surfaces, and insufficient details on surface water drainage were submitted. Following the submission of further information, they comment that the green roof will reduce flood risk and help reduce pollution and create landscape/wildlife benefits. The main river watercourse is to be diverted to allow water flows through the site in an open channel which will also reduce flood risk and create new areas of biodiversity. Maintenance of the green roof will need to be secured to ensure benefits continue in the future.

3.5 Environmental Health raise no objection subject to conditions.

#### **4.0 Town/Parish Council Representations**

4.1 No response has been received from Sawbridgeworth Town Council at the time of writing this report.

#### **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 9 no. letters of representation have been received from 5 households, which can be summarised as follows:

- No further development should take place at the hospital until measures have been taken to reduce vehicle speeds and numbers on High Wych Road;
- The additional car park is a further destruction of the Green Belt;
- Application 3/13/1483/FP for 43 car parking spaces was refused for Green Belt reasons – require an explanation of why this location is preferable;
- There are rarely cars parked in the new car park in the evening and lights should be switched off at 8pm;

## **3/15/1028/FUL**

- Insufficient information for the Council to make a decision – require properly scaled details of the proximity to neighbouring boundaries, and confirmation that no trees will be removed along the boundary;
- Concern over increased traffic noise;
- Increased light pollution from car park;
- Concern that this would set a precedent for further development in the Green Belt;
- Concern that private access will be obstructed;
- Concern that the hospital is becoming overdeveloped;
- Applications should be considered together and residents made aware of the hospital's long-term plans;
- Support the application and consider that a cancer care unit will be a valuable asset; it would be preferable if the car park was located near the Jacobs Centre to not affect houses on High Wych Road.

### **6.0 Policy**

6.1 The relevant saved Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt  
TR7 Car Parking – Standards  
ENV1 Design and Environmental Quality  
ENV2 Landscaping  
ENV11 Protection of Existing Hedgerows and Trees  
ENV16 Protected Species  
ENV23 Light Pollution and Floodlighting

6.2 In addition, the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are relevant to the determination of this application.

### **7.0 Considerations**

#### **Principle of Development**

7.1 Although the majority of the hospital site is located within the settlement boundary of Sawbridgeworth, both the proposed new building and car park are located in the Metropolitan Green Belt wherein permission will not be granted for inappropriate development unless there are other material planning considerations to which such weight can be attached that they would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting

### 3/15/1028/FUL

‘very special circumstances’ for permitting the inappropriate development in the Green Belt.

- 7.2 Proposals for hospital developments in the Green Belt are contrary to Local Plan policy GBC1 and therefore represent inappropriate development. The NPPF at Paragraph 89 states that the construction of new buildings in the Green Belt is inappropriate, with one set exception being, ‘limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development’.
- 7.3 Whilst the site could be considered to be previously developed land for the purposes of the NPPF, Officers consider that the scale and siting of the new building will result in a greater impact on openness regardless, and the building cannot therefore be considered to be appropriate development under the terms of Paragraph 89 of the NPPF.
- 7.4 The application also includes a car park extension, and Policy GBC1 only allows for engineering operations where they preserve openness and do not conflict with the purposes of including land in the Green Belt. This reflects the wording in Paragraph 90 of the NPPF. The car park would provide additional hard-surfacing, and along with 3 new lighting columns, would fail to maintain openness of the Green Belt, therefore also representing inappropriate development in the Green Belt.
- 7.5 The main issue to consider in the determination of this application is therefore whether, taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms, and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission could be granted.

#### Other Harm

- 7.6 The cancer care unit is proposed as a two storey structure, but has been designed with a flat roof and will be positioned on lower land levels so as to appear as single storey from the north. It is considered that due to the siting and design of the building the proposal will result in a harmful impact on the openness of the Green Belt, albeit reduce by its sunken location. Some additional harm must be attached to that impact.



**Benefits of the Proposal**

- 7.7 The cancer care unit will provide a new radiotherapy facility comprising 2 no. radiotherapy bunkers at lower level, with consultation rooms, therapy rooms, utility rooms, staff area and toilet facilities. The applicant states that it is not possible to provide this facility within the existing building due to the specialist nature of the radiotherapy equipment requiring substantial modifications, including concrete insulation to contain radiation. There is also a lack of space within the existing building to accommodate this facility.
- 7.8 A Supporting Statement submitted with the application highlights that the UK has a high level of unmet need in cancer care and there is a shortfall of linear accelerators of the type proposed in this application. The hospital is apparently already a centre of excellence for cancer care treatments and is investing in improved chemotherapy facilities, but is currently unable to offer radiotherapy treatments to patients in the surrounding area. Patients must therefore travel to alternative sites in Colchester or Southend. The facility will therefore make a valuable contribution to holistic patient care and contribute to the shortfall in the region. There is also a substantial cost associated with this facility, and provision on an alternative site would add further to associated costs.
- 7.9 Although the hospital is a private facility, the owners have been in discussion with NHS cancer hospitals locally and will offer this technology to both NHS and private patients. The hospital already has a contract with the NHS Clinical Commissioning Group and they have confirmed that NHS admissions currently account for over 50% of total admissions. Officers are therefore satisfied that whilst it is not possible to require or control the availability of cancer care services to NHS patients, there is a significant opportunity for both public and private patients to benefit from this new facility, and this weighs positively and significantly in the balance of considerations.
- 7.10 The new facility will also create new employment opportunities and support economic growth in the District. Without this facility the hospital would be unable to support patients needing radiotherapy treatments or a holistic approach to cancer care. Whilst on its own, such considerations would be unlikely to outweigh the harm caused to Green Belt, and such a circumstance could be regularly replicated elsewhere, Officers consider that positive weight can nevertheless be attributed to these matters.

Car Parking and Access

- 7.11 The application proposes a new car park extension with 20 spaces, but will result in the loss of 6 spaces to the north of the new building. The net increase in parking spaces will therefore be 14. The Council's adopted parking standards for hospitals are based on bed numbers, or to be decided on individual merits (including a full transport assessment and proposals in a green transport plan), and special hospitals must be considered individually. Given the specialist nature of this site, and in particular the cancer care unit as proposed, Officers consider the individual assessment to be appropriate, having regard to the information submitted and the latest Travel Plan.
- 7.12 The Design and Access Statement estimates that the new cancer care unit will accommodate 6 new full-time equivalent staff at any one time, and approximately 16 patients a day. This is based on an estimate of 6 patients having or awaiting radiotherapy at any one time, 4 patients having or awaiting chemotherapy, and 6 outpatients. Given the extent of accommodation proposed, Officers consider these estimates to be reasonable. The development would therefore result in an additional 22 staff and patients at any one time, who have been shown in the most recent Travel Plan to be mostly car dependent.
- 7.13 The Travel Plan has been updated in June 2015 and continues to show that 74% of staff travel alone by car to the site. A further visitor survey was also carried out in March 2015 which identified that 60% had experienced issues with parking on site, and 95% would not use public transport due to the distance they lived and the poor connections. The provision of an additional 14 spaces for these estimated 22 people equates to approximately 64% travelling by car which is considered to be reasonable based on the figures above.
- 7.14 The Highway Authority have recommended a condition to require an updated Travel Plan prior to first occupation of the development and Officers consider this to be reasonable and necessary because although surveys have been carried out, the actions have not been updated, and further surveys are also due this Autumn.
- 7.15 The Highway Authority have also requested a Travel Plan Evaluation and Monitoring and Fee to be secured by legal agreement to secure long-term monitoring of the Travel Plan. This is as required in the Hertfordshire's Travel Plan Guidance for Business and Residential Development document, and Appendix E states the figure to be £6,000 for a full Travel Plan. Previous planning applications have required an

up to date Travel Plan for the site, but no funding has ever been secured to monitor the plan as these were not major planning applications. As this is a major application, the Council's Planning Obligations Supplementary Planning Document allows for contributions to be sought and Officers therefore consider it reasonable and necessary to require this £6,000 to be secured through a legal agreement.

- 7.16 Although the development will result in increased vehicular movements, the impact will not be significant compared to the existing movements on site. The vehicular access is well-established and benefits from existing visibility splays. Concerns have been raised regarding vehicle speeds on High Wych Road, and a Highway Officer has commented that the Police are aware of non-compliance of the speed limit in the area (30mph). A funding request has apparently been made for an uncontrolled crossing on High Wych Road in the vicinity of Hand Lane, but no such contributions have been sought from the Highway Authority in relation to this matter. Officers do not consider it reasonable and necessary, based on the information currently available, to request such a contribution in order to make the development acceptable in planning terms.
- 7.17 Overall on this matter then, the output of the Travel Surveys probably results from a mix of the location of the site, at some distance from regular public bus surveys, and the type of use, which draws visitors from a wide area and who may be more inclined to travel by private vehicle due to health circumstances etc. In the overall balance of matters, it appears that some further but limited harmful weight should be assigned as the proposals further expand a use in a location where the potential for travel other than by private car is limited. Other highway safety and the capacity of the site to accommodate vehicles are considered to weigh neutrally in the balance.

#### Design and Layout

- 7.18 The new building is designed as a two storey structure with a flat roof, but due to the difference in levels will appear as a single structure from the north. Although it will reach a maximum height of 8 metres, the building will not be readily visible due to the levels difference creating a rather secluded location.
- 7.19 Officers initially raised concerns over the flat roofed design of the building in contrast to the traditional hipped roofs of the existing buildings. Whilst the flat roof reduces the bulk of the building it appears

### 3/15/1028/FUL

somewhat out of keeping with the existing site. However, the flat roof is now proposed as a green roof to improve the drainage, landscape and biodiversity credentials of the development. Officers therefore consider the flat roof design to be justified in sustainability terms, and full details of the green roof should be secured by condition.

- 7.20 The materials of construction are proposed to be contemporary, including cedar cladding for the external walls, which will complement the flat roof design. Whilst this is again out of keeping with the existing buildings, Officers do not consider the contemporary design to be harmful. The building will appear as a modern addition, but with aluminium window frames to match the colour of existing. Overall Officers are therefore satisfied that the scale and design of the building complies with Local Plan policy ENV1. A single storey glazed link is also proposed to connect to the main building but will have minimal impact and will not be readily visible.
- 7.21 The new building will result in the loss of some amenity land adjacent to the car park to the north; however Officers consider that an acceptable green buffer will remain to secure a high quality design. The car park extension will result in the further erosion of a field that currently forms a green buffer to the west of the site in-between the hospital and access road. This has already been partly eroded by the new car park and Officers do not consider this land to be of significant amenity value in terms of the setting of the site or openness of the Green Belt. Additional planting is proposed along the boundaries and should again be secured by condition. Planting has not yet been carried out on the new car park as the applicant proposes to carry out the planting simultaneously with both this and the recently approved extension. No trees will be affected by this proposal.
- 7.22 Residents have referred to a previous 43 space car park extension that was refused permission to the northeast of the site (3/13/1483/FP). This was refused on the grounds of inappropriate development in the Green Belt with no very special circumstances demonstrated to clearly outweigh the harm. The car park projected out beyond the existing built form of the site, and therefore the applicant chose to relocate the new car park to the west of the site, and subsequently received permission for 44 car parking spaces following the submission of further supporting information (3/14/0844/FP). Resident concerns regarding the piecemeal nature of development proposals at Rivers Hospital are also noted; however Officers cannot require the applicant to submit a single holistic application. Public consultation is carried out on each application and the cumulative effect considered where relevant.

Drainage and Flooding

- 7.23 The site lies in floodzone 1 wherein there is a low risk of flooding, but the main issue in this case is the location of the new building over a culverted main watercourse (the High Wych Ditch). The Environment Agency and Council Engineers originally objected to the application for this reason and an amended Surface Water Drainage Assessment was submitted in response to these objections. This now proposes a diversion of the watercourse from the culvert, which also runs underneath existing buildings, to an open watercourse to the north of the site. Surface water drainage would be directed towards this open watercourse which will also provide benefits in terms of improved biodiversity and landscape. Both the EA and Engineers are now satisfied with this approach, subject to a condition to secure a more detailed river diversion scheme.
- 7.24 A green roof is also now proposed to further improve the sustainability credentials of the development, and both the EA and Engineers have removed their objections. Whilst an objection still stands from the County Council Flood Risk Management Team, they were re-consulted on the amended Surface Water Drainage Assessment but have not provided any further comment. It is considered that this is a positive improvement secured by the proposals.

Neighbour Amenity

- 7.25 The new cancer care building will have no impact on neighbour amenity given its distance from existing properties. However, the extended car park will have some impact in terms of noise and light pollution to neighbouring properties in High Wych Road. Residents are already concerned over the impact of the previously approved car parks in this area and comment that there is no need for lighting as the car parks are used by staff and are empty at night.
- 7.26 This application proposes a further 3 lighting columns – 1 central column with 2 lights facing east and west, and 2 columns on the southern boundary with 1 light each facing north. Officers consider that some impact would be experienced by neighbours, particularly the rear garden of 66 High Wych Road which is located only 10 metres from the edge of the car park and have therefore suggested a simplified lighting scheme to the applicant which would have less of an impact. This would involve either removal of the central dual column and re-directing the single columns away from neighbours, or providing a dual column

### **3/15/1028/FUL**

on the southern boundary. Full details of light spillage will also again be required (as per the condition attached to the new car park 3/14/0844/FP). The applicant has agreed to deal with this approach by condition, and subject to this, Officers are satisfied that no unacceptable harm would arise to neighbour amenity by way of light pollution.

- 7.27 In terms of noise, there would be some increased disturbance from the additional 20 space car park; however this is considered to be very modest and given the distance of at least 40 metres retained to the nearest residential property, Officers do not consider this to be unduly harmful.

#### **Other Matters**

- 7.28 The development will result in no harm to biodiversity or protected species. No response has been received from Herts Ecology to this application but they had previously commented that the site does not provide a suitable habitat and no further surveys were required.

### **8.0 Conclusion**

- 8.1 Both the proposed cancer care unit and car park extension represent inappropriate development in the Green Belt which is by definition harmful, and to which significant weight should be attributed. The decision turns then on whether that harm, and any other identified harm, is clearly outweighed by the weight that can be attributed to the benefits of the proposal.
- 8.2 With regard to other harm, this results from the impact of the proposed building and the car parking on the openness of the Green Belt, the further extension of a use that generates a significant number of journeys to it by private vehicle and the impact on neighbour amenity due to the operation of the extended car park. It is considered however that only additional limited harm results.
- 8.3 In terms of benefits, this report has identified a specific need for the cancer care facility which will benefit patients across the district and county, and provide holistic care for cancer patients already receiving treatment at Rivers Hospital. No alternative sites are being considered in this case and the applicant has suggested that it would not be financially viable to locate elsewhere. Officers consider that very significant weight can be assigned to this improvement in health care facilities, which are available to both private patients and to those

### **3/15/1028/FUL**

referred through the NHS system. In addition, further benefit is accrued through the treatment to the existing watercourse on the site and through the additional employment secured at the site. Modest weight is attached to these matters.

- 8.4 In conclusion, it is considered that the Green Belt and other harm is clearly outweighed in this case and the very special circumstances necessary to support inappropriate development exist. The application is therefore recommended for approval subject to the conditions set out above.
- 8.5 If Members support these proposals, referral to the Secretary of State is required. Referral is required where a LPA is minded to support a building with a floor space of over 1000 sqm in the Green Belt.