

3/15/0964/FUL – Demolition of the existing buildings and redevelopment to provide a care home (Use Class C2), car parking, landscaping and other associated works at Leaside Depot, Ware, SG12 7QE for Goring Estates Ltd.

Date of Receipt: 08.05.2015 **Type:** Full – Major

Parish: **WARE**

Ward: **WARE - CHRISTCHURCH**

RECOMMENDATION

That, if necessary and appropriate, authority is delegated to the Director of Neighbourhood Services and the Director of Internal Services to conclude an agreement under s106 of the Town and Country Planning Act to secure the provision of funding toward health services serving the development. On conclusion of such an agreement, or if one proves unnecessary, planning permission be **GRANTED**, subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Approved plans (2E10)
3. Boundary walls and fences (2E07)
4. Materials of construction (2E11 amended reason)
5. Hard surfacing (3V21 amended reason)
6. Landscape design proposals (4P12 amended reason) (b, e,i,j,k,l)
7. Landscape works implementation (4P13)
8. Hours of working - plant and machinery (6N05)
9. Piling Works (2E39)
10. Prior to the commencement of the development a scheme for the provision and management of a buffer zone alongside the River Lea shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of the extent and layout of the buffer zone which will be free from development, details of

3/15/0964/FUL

a planting scheme and details of naturalising of the river bank. The development shall thereafter be carried out in accordance with the approved scheme, prior to the first use of the care home.

Reason

Details are required to be approved prior to commencement in order to protect and enhance the ecological value and habitat of the river and to reduce the risk of flooding in accordance with Policies ENV18 and ENV19 of the East Herts Local Plan Second Review April 2007.

11. Contaminated land survey and remediation (2E33 amended reason)

12. Provision and retention of parking spaces (3V23)

13. Prior to installation details of the section of footway linking the existing footway along Widbury Hill into the site and providing a pedestrian link to Paxton Way shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details prior to the first occupation of the care home. The route through the site between Widbury Hill and Paxton Way shall thereafter be maintained.

Reason

To ensure that adequate pedestrian access is provided to serve the development, in accordance with policy TR2 of the East Herts Local Plan Second Review April 2007.

14. Prior to the commencement of development a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason

Details are required to be approved prior to commencement in the interests of highway safety.

15. Green Travel Plans (3V27)

16. The development shall be carried out in accordance with the details given within the Flood Risk Assessment, April 2014 and in particular the finished floor levels shall be set no lower than 31.94 metres above Ordnance Datum (AOD).

3/15/0964/FUL

Reason

To reduce the risk of flooding in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

17. Tree/hedge retention and protection (4P05)

Directives:

1. Groundwater protection zone (28GP) (Musley Lane)
2. Other legislation (01OL)
3. Bats (32BA)

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 2012 (as amended). The balance of the considerations having regard to those policies 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.
- 1.2 The site is located within the eastern part of the settlement of Ware and is currently accessed from the Widbury Hill highway through the petrol station forecourt which adjoins the site to the west. To the north of the site are a number of residential areas, with Widbury Gardens sited directly opposite and accessed from Widbury Hill. Adjoining the site to the east is Plaxton Way, a recently constructed residential estate which was granted Outline planning permission at appeal in 2009 under LPA reference 3/08/1399/OP. To the south is an area of open space with balancing ponds associated within the residential development and beyond this is the River Lea.
- 1.3 The site is situated at a lower ground level to Widbury Hill and is largely screened to the north by mature boundary trees.
- 1.4 The existing site is occupied by a vacant coachworks building that is

3/15/0964/FUL

mainly constructed of corrugated panelling for the elevations and the roof with large shutter doors to accommodate large vehicles. The existing building has a parapet roof to the front that reaches a maximum height of 7.3 metres.

- 1.5 The proposal is for the demolition of the existing building and the erection of a 72 bedroom care home building with associated car parking and landscaping.
- 1.6 A care home was previously approved for the site (application ref: 3/14/0914/FP). This application proposes a different design. The main differences are:
 - The layout of the building is 'L' rather than 'H' shaped
 - A different appearance to the elevations
 - Part of the building is four storeys in layout rather than 3 storeys as previously proposed but the fourth storey accommodates mainly ancillary accommodation. 6 staff bedrooms are also accommodated on the fourth floor on the east side of the building.
 - An increase in the maximum height of the building from 12.9m to 13.2m
 - A roof design with pitched roofs to the four storey parts of the building and a centrally located roof terrace over the three storey part part of the building.
 - An increase of one bedroom to a 72 bed facility
- 1.7 The proposed new building would be sited on the footprint of the existing building, however, its form and design would be significantly different. The building would form an 'L-shape' with two wings of rooms and a central area which at ground and first floor levels would accommodate communal facilities.
- 1.8 The building is to be finished in the same external materials as the previous scheme with render, brickwork and cedar cladding to the elevations and a metal roof system.
- 1.9 The access and parking arrangements are largely as previously proposed. with the existing area of parking to the front of the site to be used for these purposes. This area, together with an additional small parking area within the south east corner of the site, would provide a total of 25 parking spaces and a cycle stand. Access to the parking areas would be via Plaxton Way and the petrol filling station as in the previously approved application.

3/15/0964/FUL

- 1.10 The bank of mature trees to the northern site boundary is largely retained, but some of these low quality trees will be lost due to the construction of the temporary construction access approved under application reference 3/15/0243/FUL.
- 1.11 Soft landscaped areas would replace existing hard surfacing to the front and rear of the building, with a garden area proposed to the rear to provide outdoor space and seating for the residents.
- 1.12 The proposed care home would provide respite and nursing care for elderly people. It would provide dependent living, with all of the rooms benefiting from an en-suite but with only communal kitchen/dining and lounge areas.

2.0 Site History

- 2.1 The site has been subject to planning applications for alterations to the existing building which are not relevant to this current application.
- 2.2 The relevant planning history for the site is as follows:-
 - 3/15/0243/FUL – Temporary construction access. Approved March 2015.
 - 3/14/0914/FP - Demolition of the existing buildings and Redevelopment to provide a care home (Use Class C2), car parking, landscaping and other associated works. Approved February 2015.
 - 3/08/1399/OP - This site, together with the adjoining residential site to the east, was the subject of an application for outline planning permission for a mixed use development which was refused by the Council under reference. This application was subsequently allowed at appeal in 2009.
 - 3/88/0508/FP - Redevelopment of the site for 15No. dwelling houses.
Planning permission was refused and a subsequent appeal dismissed.

3.0 Consultation Responses

3/15/0964/FUL

- 3.1 The Environment Agency: has commented that although the development is within 20m of a watercourse, in this instance they have no concerns that cannot be addressed using Standing Advice for vulnerable developments.
- 3.2 Herts CC Environmental Resource Planning: object to the proposal on the grounds that the submitted Flood Risk Assessment does not provide a suitable basis for assessment of potential flood risks arising from the development.
- 3.3 The County Planning Obligations Unit: has confirmed that no financial contributions will be sought.
- 3.4 Environmental Health: have no objection, subject to conditions.
- 3.5 Herts CC Ecology: recommends that a further bat survey be carried out.
- 3.6 Herts CC Highways: do not wish to restrict the grant of permission and recommend conditions. They comment that the applicant has undertaken an assessment to establish the theoretical maximum number of trips associated with the existing B2/B8 use, and the likely number of trips associated with the proposed care home. This has been found to be robust. On this basis, County Highways agree that overall the proposed development is no more intensive than the existing Coachworks site.
- 3.7 The number of trips associated with the proposal are no more intensive than that currently experienced and the number of HGVs to/from the site will decrease, which will have an overall highway benefit. The continuing use of the petrol filling station access for vehicles associated with this site will depend on the provision of a section of footway linking the existing footway along Widbury Hill into the site. It is noted that the footway link is to be provided.
- 3.8 In respect of parking, the proposal includes the provision of 25 spaces which could be considered an overprovision, and does little to encourage sustainable travel. However, it is recognised that sections of Widbury Hill near to this site do become quite heavily parked up at times, and the inclusion of a staff travel plan will help to ensure sustainable travel remains a key consideration of the development.
- 3.9 Landscape officer: comments that there is no unacceptable impact on trees. The site layout gives reduced scope for useable and attractive amenity space provision compared with the previous scheme and results in a building assimilating less well into its setting and with neighbouring development and existing amenity space.

4.0 Town Council Representations

4.1 Ware Town Council raise no objection in principle to the care home but object to this application on the grounds of inappropriate design, which is out of keeping with the area, particularly at the entrance to Ware. The previous design was more aesthetically pleasing.

5.0 Other Representations

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

5.2 One response has been received from a resident of Plaxton Way commenting that overall no objection is raised but the previous design was better.

5.3 One response has been received from a resident of Plaxton Way commenting that whilst mainly supportive of the development there is major concern regarding vehicular access to the site through Plaxton Way.

5.4 2 responses have been received objecting to the proposal on the following grounds:

- Increase in floors from 3 to 4 will result in loss of light
- Increased traffic in Plaxton Way
- Safety of children in Plaxton Way
- Access to the site should be from Widbury Hill
- Lack of evacuation safety provision for residents of the home

6.0 Policy

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

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|------|------------------------------------|
| TR2 | Access to New Developments |
| TR7 | Car Parking – Standards |
| EDE1 | Employment Areas |
| WA8 | Employment Areas |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV3 | Planning Out Crime-New Development |

3/15/0964/FUL

- ENV4 Access for Disabled People
- ENV16 Protected Species
- ENV18 Water Environment
- ENV19 Development in Areas Liable to Flood
- ENV20 Ground Water Protection
- ENV21 Surface Water Drainage
- IMP1 Planning Conditions and obligations

6.2 The provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of relevance to this application.

7.0 Considerations

Principle

7.1 The site is located within the built up part of Ware, wherein new development is acceptable in principle. The proposal is an amended scheme to that approved under the previous application. The principle of a building of some significance on this site has therefore already been established. Issues of employment use, flood risk, access and parking were addressed in the approved application as follows:

Loss of employment land

7.2 The site is located within the Widbury Hill Employment Area (WA8). In approving the previous application the principle of loss of the coachworks site to the care home use was found to be acceptable. The applicant estimated that the proposed care home would create 40 full time jobs. This would be likely to be significantly more than that which would be generated by the occupation of the existing building for B1/B2/B8 use.

Flood risk

7.3 The implications of the development with regard to flood risk were also considered under the previous application and were found to be acceptable. The views of Herts County Council as Lead Local Flood Authority (LLFA) are noted. Consultation with HCC in this role is a new requirement arising from changes to responsibilities in respect of flooding issues since the approval of the previous application. In this case there was no previous objection from the Environment Agency and that remains the case. The LLFA has objected on the basis that the submitted Flood Risk Assessment does not enable consideration of the

3/15/0964/FUL

flood risks. However, it is considered that a properly informed decision can still be made, as it was in relation to the previous proposals.

- 7.4 Additional sustainable drainage (SuDS) measures were suggested in respect of the previous application by the Council's Drainage Engineers but it was considered that overall there was no reason to raise an objection on flood risk grounds the Environment Agency having raised no objection. It is important to recognise that the existing site is almost entirely hard surfaced around the outside of the existing building, whereas the proposed development would incorporate areas of soft landscaping including the area to the rear (south west) of the building which would be used as a communal garden.
- 7.5 The proposed reduction in impermeable surfaces within the site, whilst less than in the previously approved scheme, would inevitably reduce flood risk from surface water within the site. The scope for the introduction of further sustainable drainage measures is very limited. The approval of the previous application is material to the consideration of the current application and given that that approval was very recent (February 2015) it is felt that it would be unreasonable to object to the application on the grounds of SuDS provision or to add a condition in respect of this matter.

Access and parking

- 7.6 Access arrangements are as previously agreed. As with the approved scheme the application proposes to continue to use the access shared with the petrol station with an additional access through Plaxton Way. This allows through access – although there is a pinch point, between the existing bin store and parking spaces, making it less attractive. Officers agree with the assessment made by County Highways that that the number of vehicles visiting the proposed site would be no greater than those visiting the site if it remained in industrial use and that, as the number of HGV's visiting the site would decrease, the continued use of the petrol filling station access would not have an unacceptable impact upon highway safety
- 7.7 The total of 25 parking spaces are proposed to serve the 72 bedroom care home. Adopted parking standards recommend a maximum parking provision of 1 space per 5 residents' bed space plus 1 space per 2 staff members. This equates to a maximum parking standard of 34 spaces. Emerging District Plan parking standards, which move away from maximum standards, require the same provision. Having regard to the location of the site within walking distance of public modes of transport,

3/15/0964/FUL

and the comments that have been received from County Highways, parking provision is considered to be satisfactory. The provision of one additional bedroom makes no material change to this judgement.

- 7.8 The provision of works to link the existing footway along Widbury Hill into the site is a benefit of the proposal that is recommended to be secured by a condition. The plans that have been submitted show that a pedestrian right of way would also be maintained through the site from Plaxton Way, which it is considered would be beneficial to the residents of Plaxton Way allowing a convenient route through the site towards the town centre. The retention of this pedestrian route is secured by a condition.
- 7.9 As in the case of the previous application these considerations weigh in support of the proposal.

Consideration of the current amended scheme

- 7.10 Having due regard to the previous approved care home development on the site the main issues to be taken into consideration issues in determining the current proposal are therefore detailed matters as follows:
- The acceptability of the height, form, siting, layout and design
 - Impact on neighbour amenity

Scale, height, form, siting, layout and design

- 7.11 The proposed building is of a large size and scale compared to the majority of the surrounding buildings. However, in assessing the acceptability of this, consideration should be given to the needs of the intended user of the site, the scale of the existing building, the land levels within the site and the screening that is proposed to be provided.
- 7.12 The proposed use of the building as a care home has resulted in a proposal for a single building within the site due to the need for all residents to have access to communal facilities and for staff to have easy access to all parts of the building. The proposed building would occupy a similar footprint to the existing building and as such there are no objections to the siting of a building of this scale.
- 7.13 The proposed building would be a maximum of 0.3m higher than the previously approved care home building and approximately 6.5m higher than the existing building on the site. In considering the previous

3/15/0964/FUL

application it was accepted that the height of the building would inevitably have some impact upon the character and appearance of the site and the surrounding area. However, as with the previous application the proposed building would be set back a minimum of 21m from the front (north) boundary of the site. This set back, together with the reduced land levels within the site compared to the land to the north, and the substantial mature trees to the northern site boundary would be sufficient to ensure that the building would not appear unduly prominent or detrimental to the character and appearance of the area.

- 7.14 Although the building is to be partly four storey in height compared to the maximum three storey height of the previously approved building its maximum height is only slightly increased (0.3m). The scale and massing of the building is differently orientated on the site to the previously approved building, with the higher parts of the building aligned west to east rather than north to south. However, the overall scale and massing is considered to be of similar proportions. The scale and massing of the proposed building is considered to be acceptable.
- 7.15 Due to the revised footprint of the building its design and external appearance is substantially different to the previous proposal. It is more complex in design. The approved proposal consisted of more simple gabled side elements and a central flat roof element with a parapet. Now the design is rather more complex with monopitched roofs and a less legible arrangement of the built form on the site.
- 7.16 The location is not in the Conservation Area and given the appearance of the existing building that occupies the site and that of the neighbouring petrol garage, it is considered that, notwithstanding the design now proposed, the building will enhance the character and appearance of the area. The proposal for a mix of red brick, white render, cedar cladding and glass balustrading responds to the neighbouring residential site.
- 7.17 The concerns expressed in consultation, that the proposed building is of inferior design to the previously approved care home building are noted. The revised layout and design of the building provides less articulation to the elevation facing Widbury Hill than the previous scheme, however, the articulation to the west and east elevations is considered to be improved. Overall the design of the building remains of a good standard and the proposed scale, height, form, layout and design of the development are considered to be acceptable.
- 7.18 As with the previous application the Council's Landscape Officer has

raised some concerns regarding the areas available for planting. The scope for planting in the south east corner of the site is reduced because the building projects further southwards towards the River Lea than previously proposed. Similarly, the proposed building is closer to the western boundary with the petrol filling station. However, the landscape garden previously proposed in the south west corner of the site is retained and its depth has been increased, A small recess to the east elevation frontage provides for some scope for additional planting on the frontage facing Plaxton Way.

- 7.19 In terms of useable amenity space for residents a large roof terrace is proposed on the roof of the centrally sited three storey part of the development. This is accessed from the fourth floor via lifts. This area is largely screened by the four storey parts of the building and would potentially only impact on the rear garden of No.42 Plaxton Way, however it is sited 22m from the side boundary of the rear garden of that property and this is considered to be sufficient distance to safeguard amenity. On balance it is considered that although there is a slight reduction in the area available for planting compared to the previous scheme there will be sufficient scope to provide an adequate setting for the building. Conditions are therefore recommended in respect of landscape design and implementation.

Neighbour amenity

- 7.20 As with the previous scheme the increased height of the building, compared to the existing building, and the addition of windows within the elevations of the upper floors, would create new opportunities for overlooking towards the neighbouring properties. In particular the windows proposed within the eastern flank elevation would allow views from the site towards the neighbouring properties in Plaxton Way namely Marconi Court a block of 6 flats to the northeast and house Nos.42 and 43 to the east . However, a minimum distance of 22m would be retained between the eastern elevation bedroom windows located on the first and second floors of the new building and the side boundary of gardens of the neighbouring dwellings at Nos. 42 and 43 Plaxton Way.
- 7.21 In respect of No.43 the position has been improved as there are now no bedroom windows directly facing that property (previously 3 on each floor). A distance of 19m is provided from the windows of bedrooms on the first, second and third floors of the new building to the flank elevation of Marconi Court. It is considered that these distances would be sufficient to ensure that an unacceptable degree of overlooking would not occur and that the potential for overlooking has been improved

3/15/0964/FUL

compared to the previous scheme.

- 7.22 Having regard to the distances that would be retained between the proposed building and neighbouring residential properties and the size, scale and design of the building, it is considered that the proposal would not have an unacceptable impact upon the outlook, privacy or light of the neighbouring occupiers or result in an overbearing impact.

Other Matters

- 7.23 As previously agreed, there is no requirement for affordable housing on this site as a care home falls within a C2 use class and the Council's Policy on affordable housing, as set out within Policy HSG3, is to seek contributions where new dwellings are proposed (i.e. within the C3 use class).
- 7.24 Two low quality trees would be removed as part of the proposal to enable the provision of a footway link from Widbury Hill into the site. The Council's Landscape Officer has raised no concerns in respect of this proposal and the benefits of this would outweigh the harm caused by the loss of these trees. A condition is recommended to secure the retention of the other trees within the site to provide continued screening of the building in the interest of the appearance of the area.
- 7.25 The Habitat Survey that has been submitted with the application raises no concerns in respect of protected species and comments that the proposal would enhance biodiversity within the site. The report states that no evidence of bats was found within the existing building and that there are no opportunities for bat roosting within the building. Herts CC Ecology advise that a fresh survey should be undertaken prior to planning permission being granted. However, given that the previous report found no evidence of roosting bats or protected species and the position that the applicant has advised that commencement of demolition works is imminent it is considered that this would be unreasonable. An informative is recommended to draw attention of the applicant to the statutory requirements in respect of bats.
- 7.26 Conditions are recommended by Environmental Health to address potential site contamination.
- 7.27 For the previous scheme, financial contributions were sought through a s106 agreement to fund library and health service provision. In this case, Herts CC have confirmed that no funding provision will be sought. However, the feedback from health providers remains to be clarified and

3/15/0964/FUL

it may be that some funding provision would be sought. At this stage, Members are asked to endorse these proposals on the basis of this possibility and to enable Officers to conclude the details of the funding arrangements, through a s106 agreement, with the relevant parties.

8.0 Conclusion

- 8.1 The proposed development is very similar in scale and nature to the previously approve care home at the site. That decision grants the use and the development in principle. Changes to the design of the building and the layout have been considered and found to be acceptable raising no new Policy objections to the proposal, the application is therefore recommended for approval.