

5c 3/12/2122/FP – Change of Use of existing building from (Class B1) offices to (Class C2) care home and associated works including installation of new plant, landscaping and amended parking provision at Bentley House, Pegs Lane, Hertford, Hertfordshire SG13 8JE for Signature Senior Lifestyle

Date of Receipt: 17.12.2012

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- £4,697 towards library services
- £300 standard monitoring fee per clause.

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

1. Three year time limit (1T121)
2. Approved Plans (2E10)
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and reenacting that Order) the premises shall be limited for use as a Class C2 care home only and for no other purpose within Class C2.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the character of the area and the amenities of occupants of adjoining premises in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. The care home accommodation hereby permitted shall only be occupied by:
 - persons aged 65 years or over at the date of their admission who are mentally and/or physically frail, have mobility problems, suffer from partial or full paralysis, or are in need of assistance with the normal activities of daily life; or
 - persons suffering from Alzheimer's or other clinical dementia and being admitted to the reminiscence area within the accommodation

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with the approval of the Care Quality Commission or any successor to the statutory functions of that body; or

- persons whose admission has been first approved in writing by the Local Planning Authority.

Reason: To meet the particular needs of the applicant and to allow the Local Planning Authority to effect proper control over use of the premises for persons requiring a significant level of care only in accordance with policies ENV1, TR7 and HSG3 of the East Herts Local Plan Second Review 2007.

5. Samples of materials (2E123)
6. Within 3 months of the first occupation of the development hereby permitted, the Interim Travel Plan dated November 2012 shall be finalised and implemented in consultation with County Highways Business Travel Plan Team and in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The permitted use shall thereafter be carried out in accordance with the final Plan.

Reason: To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of the East Herts Local Plan Second Review 2007.

7. Retention of parking space (3V20)
8. Tree/hedge retention and protection (4P05)
9. Landscape design proposals (4P12) (b, c, d, e, f, l, j, k and l)
10. Landscape Works implementation (4P13)
11. Lighting details (2E27)
12. No development, including site clearance shall take place within the bird breeding season (1 March – 31 August), unless otherwise agreed in writing by the local planning authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed. An appropriate mitigation strategy to address this issue, should these circumstances arise, be devised by the applicant and agreed in writing by the LPA. Once agreed, any measures shall be implemented as such and subsequently retained, where appropriate.

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Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

13. Levels (2E05)

Directives:

1. Other Legislation (01 OL)
2. Bats (32BA)
3. Planning Obligation (08P0)

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 (Hertfordshire County Structure 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 and in particular policies SD1, SD2, TR2, TR4, TR7, TR13, EDE2, ENV1, ENV2, ENV11, ENV16, BH5, BH6, IMP1 and the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. 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 lies to the south of the town centre; within the built up area of Hertford and within the town's Conservation Area. It is located to the south east of East Herts Council's offices and the Hertford Bowls club and is adjacent to a small pay and display visitor car park serving the Council offices. To the east of the site and to the other side of Pegs Lane is Richard Hale School. Hertford County Council's offices are located to the south of the site, on the opposite side of an access road and footpath. Approximately 100m north of the site is Gascoigne Way and in between are three buildings comprising an apartment block known as Pimlico Court; offices known as Sovereign House and Hertford Police Station.

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- 1.3 The site currently comprises a disused office building (B1 use class) known as Bentley House. The existing building comprises two adjoining and staggered rectangular brick-clad blocks, constructed in the 1980s. The southern block is 5 storeys and cuts into the grassed bank as the land rises sharply to the south. The northern block is 4 storeys in height, it being lower to reflect the natural slope of the land. There is a two storey element to the building to the east side and this section is currently occupied by the Hertfordshire Dramatic and Operatic Society who will continue to operate from this section of the building. Access to the site is taken from an access road off Pegs Lane and is shared with the Council Offices. Existing parking provision for the previous office use is provided internally at lower ground floor level, with some additional parking currently provided externally to the east of the Council's visitor car park. The building is set within landscaped grounds with a significant proportion of planting located to the south side of the building.
- 1.4 The application seeks planning permission to change the use of the building from offices (Class B1) to a care home (Class C2). The facility will provide 79 beds, including a specialist 18 bed dementia care unit. The conversion would utilise the existing buildings and would introduce integral extensions in between the two blocks at the north east and south west corners. It is proposed to remodel the two interlinked larger blocks, combining render with the existing orangey brown brickwork on the elevations and replacing the existing windows and roofs. The scheme involves extending the car parking area to the north of the building, removing both the internal car parking and an external area to the rear of the Herts Dramatic and Operatic Society. 36no. spaces are proposed in total, inclusive of a minibus space. The removal of a substantial proportion of the trees to the south of the building is proposed, with mature replanting all around the building. Three identifiable outdoor amenity areas for residents of the care home are proposed, including a private courtyard to the south west corner of the site.
- 1.5 The applicant engaged in lengthy pre application discussions with the Council. However, during the course of the application and at the Council's request, the applicant was asked to amend the plans to improve the landscaping of the proposal and introduce additional planting at the frontage of the site. The plans have subsequently been amended and relevant consultees and third parties re-notified. It is the latest set of plans which Members are asked to consider.

2.0 Site History:

2.1 Bentley House was completed in 1983 following the grant of planning permission for the building in 1981. Planning permission was subsequently granted in 1983 (3/83/1478/FP) for 29 car parking spaces in connection with the office use of the building and the layout was revised to provide 78 spaces following a further grant of permission in 1986 (3/86/1631/FP). In 1990, the building was granted consent for an extension to form a new plant room (3/90/1638/FP). There have been no significant planning applications since this time and the building has retained its B1 use, having been occupied by an insurance company up until December 2005 when the building became vacant.

3.0 Consultation Responses:

3.1 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission subject to the submitted Interim Travel Plan being finalised and implemented in consultation with the County Business Plan Travel Plan Team. The Highways Officer comments that vehicular access utilises the existing access arrangement which allows vehicles to enter and leave the site in a forward gear. Care home staff will be working in 3 shifts where shift changing times are outside the network peak times and the peak hour trip generation on the local road network will be less than the existing office use. The care home provides for 31 car parking spaces with a further 4 spaces for the Herts Dramatic and Operatic Society and a minibus space. In view of the sustainable location of the site and the modest capacity impact of the development on the local road network, no financial contribution to promote sustainable transport measures is sought.

3.2 Environmental Health comment that they do not wish to restrict the grant of permission.

3.3 Herts County Council's Planning Obligations Unit have commented that as a result of the age restricted nature of this development, contributions are not sought towards education, youth or childcare services. However, based on the development of a 79-bed care home, a financial contribution towards library services of £4,697 is sought. This excludes the 18 bed dementia care unit.

3.4 HBRC (Herts Biological Records Centre) do not wish to restrict the grant of permission and comment that the accompanying Ecological Assessment Report is sufficient in assessing the site, given its urban location and limited amount of habitats. Conditions to secure measures

to protect bats, badgers, hedgehogs, reptiles and breeding birds are recommended in line with the recommendations contained within the Ecological Report. HBRC also recommend that native species of tree and shrub be used to landscape the site. Consideration could also be given for the provision of bird and bat boxes and a hedgehog dome.

- 3.5 The Council's Housing Development Manager initially commented that the proposal did not contain any reference to affordable housing and directed the applicant towards Section 7.0 (Sheltered Housing) of the Affordable Housing and Lifetime Homes Supplementary Planning Document. However, following clarification from the applicant that the proposal is for a care home providing substantial levels of care for frail and elderly residents, the Housing Development Manager is satisfied that the proposal is not sheltered housing and therefore no affordable housing contribution is required.
- 3.6 The Conservation Officer has recommended that planning permission be granted, stating that the proposal has little or no further impact on the setting of Wallfields or the wider Conservation Area. Views of Bentley House are prominent from the grade II listed Council Offices and therefore the building is considered a significant part of the setting of Wallfields and sensitive to any form of alteration or extension. In assessing the proposal, the overall form of the building in terms of its mass and scale remain similar to what exists at present. Due to the location of the building and the mature landscaping, the proposal would have little impact on the setting of Wallfields or the wider Conservation Area. The alterations to the building retain the strong vertical emphasis of the existing building whilst the landscaping is considered to enhance the use and immediate setting of Bentley House. Whilst the additional car parking to the front does result in the loss of landscaping, the visual impact could be overcome with additional planting.
- 3.7 The Landscape Officer, commenting on the originally submitted plans, recommends that planning permission be refused. The proposed development includes the removal of existing trees to the frontage of Bentley House to make way for parking provision with little or no mitigation for their loss. This will result in an adverse visual impact upon the general streetscene and approach road. The proposed dining room courtyard to the west side will require significant excavation and retaining walls. The terrace will be in shade for much of the day. The other amenity areas are acceptable, however, the substation to the east side will require cutting into the southern bank which currently complements the appearance of the building by helping it assimilate into the surrounding landscape. At the time of writing this Report, no comments have been received from the Landscape Officer in respect of

the amended plans now presented to Members. Officers will update Members on any further comments received at the Committee Meeting.

4.0 Town Council Representations:

4.1 Hertford Town Council have objected to the plans originally submitted on the grounds of inadequate car parking provision, especially given the close proximity of intense office use nearby, namely Wallfields and the Police Station.

5.0 Other Representations:

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

5.2 Letters of support have been received from Hertford Civic Society and the Herts Dramatic and Operatic Society. However, both organisations raise the same concern that the occupation of Bentley House could cause a shortage of car parking for the Hertford Dramatic and Operatic Society. At present, members of the Society are able to use the outdoor parking spaces allocated to the empty office building, however these spaces will most likely be required for staff day and night for the proposed use as a care home. It is suggested that the Council's car park is made available for use in the evenings to accommodate for this.

6.0 Policy:

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
TR2	Access to New Developments
TR4	Travel Plans
TR7	Car Parking Standards
TR13	Cycling – Facilities Provision (Non Residential)
EDE2	Loss of Employment Sites
ENV1	Environment and Design
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
BH5	Extensions and Alterations to Unlisted Buildings in Conservation Areas
BH6	New Developments in Conservation Areas

IMP1 Planning Conditions and Obligations

6.2 The National Planning Policy Framework is also of importance in the determination of this planning application.

6.3 In addition, the Council has relevant adopted Supplementary Planning Documents and Studies including:

- Planning Obligations 2008
- Vehicle Parking Provision at New Developments 2008

7.0 Considerations:

7.1 The main planning considerations in respect of the planning application relate to the following:

- The principle of development;
- Employment use of the site;
- The nature of the proposed use and implications for affordable housing;
- Impact on the character of the Conservation Area and setting of Listed Buildings;
- Landscaping and Trees;
- Parking provision and highways matters;
- Neighbour and future residents amenity;
- Financial contributions;
- Other matters.

The principle of development

7.2 The site is located within the built up area of Hertford, as defined in policy SD2 of the Local Plan. The application site is previously developed land and is considered by Officers to represent a sustainable location for the development of a care home.

7.3 Achieving sustainable development is a key principle of the NPPF and developments which accord with the development plan and reflect sustainable development should be approved without delay.

7.4 The proposed care home will provide additional care facilities in Hertford for a growing elderly population and those living with dementia. The care home will provide for 75-85 full time employees. The applicants have also identified a substantial local shortfall in elderly market bed spaces in 2013, a figure which is anticipated to rise, and a

significant underprovision of specialist dementia care.

- 7.5 Whilst the proposal would create jobs, it would also result in the loss of office use at the premises which, if occupied, could provide for significant employment opportunities. Policy EDE2 part a), states that in such situations, planning permission will only be permitted where the retention of the premises for employment use has been explored fully without success, evidence of which must be provided. The following section addresses the implications of this policy on the current proposal.

Employment use of the site

- 7.6 The application has been submitted with a Marketing Report dated December 2011 and an Updated Marketing Report of 6th November 2012. Bentley House has been vacant since 2005 and marketing has been ongoing at the site since December 2008 under the management of a commercial agent.
- 7.7 Marketing has included the following:
- Preparation of a marketing brochure;
 - Signage, including the erection of a themed Bentley House marketing 'V' board at the roundabout fronting Pegs Lane and Hale Road;
 - An Agents Reception, where a number of London and locally based commercial agents were invited to an open day at the property, attended by over 30 agents;
 - Mailing of brochures to agents and general mailing to both local and West End agents bringing the availability of the property to their attention;
 - Details of the property were marketed on commercial websites and a dedicated website was created for the building.
- 7.8 There has been a degree of flexibility in the marketing approach, with a rental price of £14.50 per square ft offered to take into account the nature and location of the building and existing market conditions. By means of a comparison, Stag House, London Road, Hertford and the Rotunda, Ware Road, Hertford are each advertised at £16-16.50 per sq ft.
- 7.9 The Updated Marketing Report indicates that marketing has continued up to November 2012. However, whilst there has been interest in the property from over 30 agents, this has failed to generate any lasting

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interest. In the 14 months prior to November 2012, there were 12 general enquiries, yet only 1 inspection.

- 7.10 Officers are content that the marketing evidence provided demonstrates that the retention of the site for office use has been fully explored without success. Furthermore, it should be noted that the proposal would address the longstanding vacancy of the premises and bring the building back into active use. It will also retain a significant level of full time and permanent employment on the site.
- 7.11 Having regard to the marketing evidence and the employment generated by the proposed development, this application will not, in Officers opinion, conflict with policy EDE2 of the Local Plan.

The nature of the proposed use and implications for affordable housing

- 7.12 During the course of the consideration of the application, Officers have considered whether the development falls within a Class C2 (Residential Institutions) or Class C3 (Dwelling Houses) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended). This is an important consideration because if the development was deemed to fall within a Class C3 use, the applicants would be required to provide for affordable housing in accordance with Policies HSG3 and HSG4 of the Local Plan and the SPD on Affordable Housing and Lifetime Homes.
- 7.13 The SPD does expect schemes for sheltered housing, i.e. housing purpose built for elderly people, to consider the provision of affordable housing. However, whilst sheltered housing schemes can include a high level of service provision and assisted living, they do fall within Class C3 and are therefore distinct from nursing homes (Class C2) in terms of use. The Council's Housing Development Manager originally adjudged the scheme to require a consideration of affordable housing, and directed the applicants to the Sheltered Housing section of the SPD. Indeed, it is noted that the proposed care home will provide a range of bedroom types, from typical care home bedrooms to deluxe one bedroom apartment style units with a separate living area. The care home is capable of providing care to residents of all dependency levels.
- 7.14 The applicants consider the care home to fall within a C2 Use Class. In response to the Housing Development Manager, they have sought to clarify the use and operation of the care home in further detail. The typical occupier of the home will be in their mid-late 80s and will move into the home as a result of a significant event in their life, such as an

illness like dementia or the need for a more secure and supportive environment. It will not normally be an aspirational or desirous move; rather it is driven by the particular need of a resident. In line with this, the care home will provide a significant level of care with nursing and care staff available 24 hours a day. The home will be a care environment and each resident will receive a minimum care package including any required medical care together with the day to day provision of meals, washing/bathing and laundry. Rather than owning any accommodation, residents will rent on a monthly basis.

- 7.15 The applicants are willing to accept a condition which restricts use of the care home to those over 65 years of age and/or those in need of personal care.
- 7.16 In Officers view, the proposed care home would provide care from a registered care provider to a level beyond what you would normally find in sheltered accommodation and is therefore materially different from this type of development and considered to fall within a C2 Use Class. The proposal will create up to 90 jobs, most of which will be in a direct care capacity. Whilst there will be some apartment type units, the facility also includes communal facilities such as cafes, activity rooms, lounge, outdoor terrace and cinema that are distinctly institutional in form and function.
- 7.17 It should also be noted that the care home would, in its own right, provide valuable residential care to a growing elderly population and create up to 90 jobs. In addition, the variety of accommodation on offer, from market standard beds to larger apartment style units, would cater for the differing financial circumstances of residents and would potentially free up existing housing in the District. In Officers view, there would be no significant planning harm as a consequence of not providing affordable housing. The care home would undoubtedly have ongoing running costs and an affordable housing contribution would be a substantial up front cost to the applicant that could render the development unviable. Notwithstanding the above, and having regard to the fact that the proposed care home is considered to fall within a C2 Use Class, there is no basis in planning policy terms either in the Local Plan or the SPD to request that affordable housing provision be provided.
- 7.18 In light of the additional information provided by the applicant, the Housing Development Manager is now also satisfied that no affordable housing contribution is required.

setting of listed buildings

- 7.19 Local Plan policies relating to environment, design and conservation issues can be found within policies ENV1, BH5 and BH6 of the Local Plan. A high standard of design is expected from all development proposals (policy ENV1), and this approach is reflected in the NPPF which places importance on the quality of design. Policy ENV1 requires that development be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks, relate well to the massing and height of adjacent buildings and the surrounding townscape.
- 7.20 The site is within the Hertford Conservation Area. Policy BH5 states that extensions to unlisted buildings in a Conservation Area will be permitted where they are sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building. Policy BH6 requires that those open spaces, trees and other landscape features materially contributing to the character or appearance of the area are not significantly affected to their detriment, historically significant features should be retained wherever possible and important views should be respected.
- 7.21 The NPPF requires that development should contribute to protecting and enhancing the natural, built and historic environment. Section 12 of the NPPF relates to the historic environment and requires local planning authorities to consider the impact of a proposed development on the significance of a designated heritage asset and great weight should be given to the asset's conservation.
- 7.22 In terms of the design and scale of the building, it should be noted that whilst the roof of the building would be replaced and re-designed, there would be no increase to the building's height. Indeed, the scale and footprint of the building broadly reflects what exists currently on site. The two extensions proposed would nestle in between the two blocks at the north east and south west intersections and would result in a modest increase in footprint. They are each designed and scaled so as to integrate effectively with the building, set down from the main ridge of the building and with matching eaves height and materials.
- 7.23 At present, the roof of the building to both blocks takes a rather awkward form and in Officers view the amended roof design simplifies the design without resulting in the building appearing any more prominent or imposing in the streetscene. It should be noted that the building currently takes advantage of the existing topography by being built into the landscape. When combined with the existing tree

coverage, the overall impact of the building on the character of the Conservation Area is surprisingly modest and unassuming given its large scale. The most noticeable alteration in the appearance of the building is likely to result from the changes to the façade, which include alterations to the existing windows, lowering the sills and the incorporation of off white render onto the sections of brickwork. There is no homogenous character to the buildings in the vicinity although red brick is evident on some of the other contemporary buildings nearby. The introduction of render will break up the elevations and add a bit more interest to a building with little historic or architectural importance. Officers consider that in terms of the appearance of the building, the proposal would have little impact on the character of the Conservation Area. However, it is considered that there is a need for high quality materials of construction which reflect the materials of the surroundings; it is also necessary and reasonable for this matter to be agreed through a planning condition

- 7.24 The application is supported by the Conservation Officer who comments that the alterations would continue the strong vertical emphasis of the existing building and result in the architectural articulation remaining mostly the same. The landscaping of the site is considered to enhance the use and immediate setting of Bentley House. The landscaping proposal is considered in more detail in the next section of this report.
- 7.25 In terms of the impact on heritage assets, Bentley House is considered a significant part of the immediate setting of Wallfields, a grade II listed building, and therefore sensitive to any form of alteration or extension. Bentley House and Wallfields are set within landscaped grounds and some of the views of Bentley House from the listed building are obscured by the bowling green pavilion and existing planting. Nevertheless, views towards the bowling green and Bentley House itself are important because Wallfields was purposefully oriented with its front elevation facing the landscaped setting.
- 7.26 The construction of Bentley House within the historic curtilage of Wallfields has already severely eroded the historic garden setting of the listed building. However, Bentley House is relatively unobtrusive for such a large building and the proposed changes would not increase its prominence or visibility from the listed building. Furthermore, Bentley House is of such distinct architectural character to Wallfields that it has little association with it and does not make a contribution to its special character. Having regard to the relatively modest changes in the design and scale of the building, it is not considered that harm would arise to this designated heritage asset as a result of the development.

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- 7.27 Overall therefore, the proposal is considered an acceptable design that would not impact harmfully on the character or appearance of the Conservation Area or setting of the nearby listed building.
Landscaping and Trees
- 7.28 Policy ENV2 of the Local Plan expects development proposals to retain and enhance existing landscape features and provide compensatory planting where losses are unavoidable. Policy ENV11 endeavours to ensure maximum retention of existing hedgerows and trees. Policy BH6 states that new developments in Conservation Area will be permitted where those open spaces, trees and other landscape features are retained wherever possible.
- 7.29 The green character of Pegs Lane is considered to be an integral part of the Conservation Area and setting of Bentley House and Wallfields. The existing tree coverage around much of the site makes an important contribution to this green character and softens the appearance of Bentley House from views within and outside of the site. The landscaping is therefore considered to make a positive contribution to the Conservation Area. I note that the Council's Conservation Officer considers that the proposed landscaping scheme enhances this setting.
- 7.30 In order to facilitate an extension to the outdoor parking area at the frontage of the site, the majority of the young and early mature trees are required to be removed and this is something that concerns the Council's Landscape Officer. These trees are predominantly in a fair condition and do soften the frontage of the building and the existing car parking area. The extension to the car park would inevitably lose some of this green character when viewed from the access road. However, since the submission of the application, the landscape proposals have been amended to provide additional planting at the frontage of the site in order to retain a meaningful landscaping strip adjacent to the access road. While the existing planting is pleasant, its future quality is limited by the fact that there are too many trees and there is limited space for them to grow well without impacting on each other. The landscaping scheme proposed would establish appropriate species planting at the frontage of the site to replace the lost trees. The original scheme proposed the planting of 26 individual trees and 19 multi stemmed trees in total to exactly replace the 45 trees that are lost. The amended plans provide an opportunity to provide more planting – up to 42 good quality new trees and 12 multi stemmed trees. It should also be noted that all of the better quality trees on the site as identified in the tree survey are proposed for retention. In Officers view, the replacement frontage planting would have a similar effect as the existing trees by softening the appearance of the new parking area and the building itself.

Furthermore, a significant proportion of the lawn area including the mature field maple and the chestnut tree located to the east of the car parking would all be retained and this helps to preserve the open green character of the site when viewed from Pegs Lane.

- 7.31 The Landscape Officer has also raised concerns about the amenity areas, particularly the rear amenity space to the south west of the building and the proposed substation, which is located adjacent to Pegs Lane. The scheme brings a currently redundant building back into active use and will require the provision of amenity space for residents using the facility. The rear landscaping area to the south west of the building would replace a current car parking area, removing existing hard standing. The layout of the existing building and topography of the site mean this is the only realistic area in which a private amenity area can be provided. This space will be a quiet and safe area for residents and whilst it will be subject to a degree of shading, it will also enjoy dappled sunlight in the summer months. The proposal also includes additional amenity space to the north and east sides of the building and will include the removal of the uninviting concrete steps to the front of the building. Overall, there is a range of outdoor space that residents can enjoy and Officers are satisfied that there is sufficient opportunity to enjoy the outdoor sunshine. It should also be noted that the outdoor amenity areas would generally complement the wider landscaped grounds, which include the bowling green to the west.
- 7.32 The new substation will be cut into the bank to the east side of the site adjacent to Pegs Lane. The Landscape Officer is concerned that this may disrupt the existing flow and grade of the site and reveal more of the building behind. Whilst this may be the case to a degree, it is generally welcomed that the substation be built into the land to avoid it appearing prominent in the streetscene. The pedestrian footway on Pegs Lane would remain at a higher level than the building and the introduction of new windows, an improved façade and an outdoor amenity area on this facing elevation would provide for an active frontage and generally improve the visual appearance of the building in the streetscene.
- 7.33 The proposed landscaping scheme would replace those trees that are lost and includes the introduction of outdoor amenity areas to the southwest, north and east side of the building and the extension of the existing car parking area. Whilst the loss of some of the planting at the frontage is regrettable, it has to be balanced against the wider benefits of the scheme which bring the building back into use and provides needed accommodation for an ageing population. It is not proposed to remove any of the better quality trees and the replacement planting

would be mature where possible and of a species to reflect the local landscape. The amenity areas are of reasonable standard and variety for residents to enjoy. It is therefore Officers view that the scheme is acceptable and would enhance the setting. However, it is considered necessary that conditions requiring details of measures to protect existing trees, full details of the soft and hard landscaping scheme and an implementation programme for planting are all included with any permission granted.

Parking and highway matters

- 7.34 Appendix II of the Local Plan outlines a maximum parking standard of 0.25 spaces per resident bed space for nursing homes and this indicates a maximum parking standard of 20 spaces for a 79 bed care home. The proposal removes the existing lower ground floor car parking area, reducing the number of spaces from 78 to 31 spaces for the proposed care home and 4 spaces for the Herts Dramatic and Operatic Society. A minibus space is also provided.
- 7.35 The comments from County Highways indicate that this number is acceptable although it is acknowledged that the Town Council have objected on the basis of inadequate provision. Due to the requirements of its residents, care homes do not require the same number of spaces as office buildings hence the significant reduction in the number of spaces on site. However, the proposed care home would result in a significant number of staff – likely to be between 75-85 (working shifts) – and there will undoubtedly be demand for parking including from visitors.
- 7.36 The proposal is supported by a Transport Assessment and Travel Plan which state that during peak times some 25 vehicles would be on site. Staff at the site will work to three different shift patterns and it is reasonable to assume that a good proportion of these, particularly, during daytime shifts, will arrive by public transport given the range of options on offer in this edge of centre location. The Travel Plan proposes to encourage walking, cycling, car sharing and public transport together with the appointment of a Travel Plan Co-ordinator to oversee its implementation. Covered cycle storage facilities are provided. County Highways also note that shift changeover times will be outside the road network peak hour trip generation times so unlikely to impact upon the road network significantly. Visitors can arrive at anytime and this would spread vehicle movements over the day. There is also a degree of overflow car parking available, particularly in the evenings and at weekends within the Council's visitor car park.

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- 7.37 Having regard to the above, the provision of 31 spaces, 11 spaces over maximum provision for a care home this size is considered adequate for the development and compliant with Local Plan policy. However, in line with a request from County Highways, a condition is recommended which ensures full Travel Plan details are submitted to and agreed in writing by the Local Planning Authority. I note the concerns raised from the Herts Operatic and Dramatic Society and the Hertford Civic Society over car parking for the Dramatic Society but note that 4 spaces are retained for this use and given that the society is likely to operate in the evenings, there is the potential to utilise the Council's visitor car park for any required overflow. Any use of the Council's main car park is a separate matter that will require negotiation with the Council's Facilities Manager.
- 7.38 The proposal would utilise the existing vehicular access provision to the Wallfields site and pedestrian access is proposed from the existing footway on Pegs Lane. A 3.5m-4.5m wide footpath continues from Pegs Lane up to the main entrance of the building. A widening of the entrance to allow easier access for service vehicles is proposed and swept path analysis reveals that there is sufficient turning capability for such vehicles.
- 7.39 Having regard therefore to the advice from County Highways and, taking into account the reduced demand for parking as a result of the change of use and the sustainable location of the site, the development proposal is considered to be acceptable in terms of highway safety and capacity and parking provision.

Neighbour and future residents amenity

- 7.40 In respect of the impact on neighbours' amenity, the proposal would largely utilise the existing building with some relatively minor extension work and design alterations. The relationship with the neighbouring buildings – currently all outside of residential use except Pimlico Court which remains in excess of 70m away – is such that there would be no unacceptable impact to neighbours from overlooking, loss of light or similar.
- 7.41 With regard to the levels of amenity that the development will provide for future occupiers, I am satisfied that the layout of the scheme maintains appropriate distances between adjoining buildings with acceptable internal layout of rooms and relationships with parking and amenity areas, to result in an acceptable degree of amenity being achieved. In addition to the internal and external amenity areas, residents can enjoy the wider landscaped setting of Wallfields.

- 7.42 The Council's Environmental Health Officer has not objected to the scheme and it is expected that the any noise generating from the proposal will be within acceptable levels.

Ecology

- 7.43 The application was accompanied by an Ecological Report which detailed the habitat surveys and bat assessment that had been carried out at the site. The report concluded that there is no reason to suggest that any habitats of nature conservation interest or any protected species will be significantly harmed by the proposal. The report made a number of recommendations including landscape planting and the erection of bat and bird boxes and a hedgehog dome. Herts Biological Records Centre have reviewed the Report and agree with the conclusions drawn and recommendations made. In addition to the recommendations made, they recommend that further measures are undertaken to protect bats, badgers, hedgehogs, reptiles and breeding birds.
- 7.44 Officers have reviewed the recommendations and consider that a suitable condition to avoid site clearance outside of bird breeding season (September to February) can reasonably be applied. It is also recommended that a directive is added to advise that if bats are found, work should stop immediately and advice sought from a qualified ecologist. In relation to native species planting, also advised by HBRC, this can be controlled through an appropriate landscaping condition. However, in light of the urban location of the site and the limited amount of habitats identified in the Ecological Report, any further ecological conditions are considered unreasonable.

Financial Considerations

- 7.45 In terms of S106 matters, Officers consider that in order to satisfactorily mitigate for the increased demand for library services (potentially from a mobile library service to the site) a financial contribution towards library services of £4,697 is required. Herts County Council's Planning Obligations Unit have assessed the proposal in the light of Reg.122 of the Community Infrastructure Levy Regulations (2010), and it is considered that such contributions meet the relevant tests in the legislation.
- 7.46 There is no requirement for affordable housing, as per the assessment made in an earlier section of this report.

8.0 Conclusion:

- 8.1 To conclude, Officers consider that the principle of the change of use to a care home is accepted at this site and that the retention of the premises for employment use has been explored fully without success.
- 8.2 The nature of the proposed use has been explored in detail. It is considered that the proposed care home would fall within a C2 Use Class and not require a contribution towards affordable housing provision.
- 8.3 The changes proposed to the building are considered to respect the existing scale and character of the building and the surrounding townscape. There would no harmful impact on the character of the surrounding Conservation Area or on the Grade II listed Council Offices.
- 8.4 Whilst trees would be removed and there would be an increase in hard standing at the front of the site, appropriate mitigation measures have been taken to replace planting and important and high quality trees would be retained. Appropriate amenity areas are provided for residents of the care home. Subject to conditions to protect trees and provide hard and soft landscaping, it is considered that the amended proposal would enhance the landscape character of the site.
- 8.5 Adequate car parking provision is proposed for the care home and access arrangements remain the same. A Travel Plan will ensure that alternative means of travel are encouraged. The site is in an urban setting and the proposal would have a limited impact on habitats.
- 8.6 Overall, the proposal would provide needed residential care for a growing elderly population and would bring a building back into active use creating in the region of 75-85 jobs. The proposal has been considered with regard to the policies of the Local Plan and the National Planning Policy Framework.
- 8.7 The balance of the considerations having regard to those policies is that planning permission should be granted, subject to the legal obligations and conditions set out at the commencement of this report.