

5b 3/13/2251/FP – Demolition of vacant public house and building of new residential care home including parking and garden at 34 Fanhams Road, Ware, Hertfordshire, SG12 7DQ for Mr N Meyer

Date of Receipt: 18.12.2013

Type: Full – Major

Parish: WARE

Ward: WARE – TRINITY

RECOMMENDATION:

That subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- Libraries – £2,130
- Provision for a fire hydrant
- Monitoring fee of £310 per clause

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E103) – insert:- ‘A101; A102; A103; A104; A105; N101; N102; G101; G102’
3. Materials of construction (2E114)
4. Levels (2E05)
5. Before first occupation of the approved development, the access including visibility splays onto King George Road shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority and to the Local Planning Authority’s satisfaction.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard.

6. Provision and retention of parking spaces (3V23)
7. Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the

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development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:

- 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: To ensure that the development takes place having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised.

8. Occupation of the care home hereby permitted shall not take place until the two existing vehicle accesses have been closed and the kerbs reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

9. Prior to commencement of the development, detailed drawings of all highway works including the provision of dropped kerbs across King George Road and Fanhams Road shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there are adequate links to the development and bus stops on Fanhams Road in the interests of highway safety.

10. Prior to the commencement of the use hereby permitted a scheme for the ventilation of the kitchens, including the extraction and filtration of cooking fumes, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out prior to the first occupation of the care home.

Reason: To safeguard the amenities of those premises near to the application site, and the appearance of the building as a whole, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

11. Landscape design proposals scheme (4P125) b, e, f, i, j, k and l
12. Landscape works implementation (4P135)
13. Prior to construction of the approved care home commencing on site,

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details of all sustainable construction and energy efficient measures (including, but not limited to, any measures set out in the submitted Design and Access statement) to be used in the construction and operation of the care home shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that sustainable design measures form an integral part of the design and operation of the approved building, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. Groundwater protection zone (28GP1; Musley Lane)
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that surface water discharge from the site shall not be detrimental to the existing sewage system.
4. Highways Works (06FC2)
5. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.
6. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.

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 and the pre-application advice given 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. The property is a two-storey detached public house that has operated variously as The Sun and Harrow and The Old Harrow.
- 1.2 The property is situated at a corner location on the junction of Fanhams Road and King George Road to the north east of Ware. The plot is approximately 1,000 square metres in size, with a paved area to the front of the public house for customer parking, and a garden to the rear.
- 1.3 The existing building is largely aligned with the residential properties along Fanhams Road and King George Road. It is set back from the road junction by a distance of approximately 10 metres.
- 1.4 The surrounding area is predominantly residential in character, with the properties primarily comprising two-storey medium sized dwellinghouses in short terraces, or pairs of semi-detached houses.
- 1.5 The application seeks permission for the demolition of the existing public house, and the construction of a three-storey building to provide a 30 bedroom care home with parking, refuse storage, and landscaping.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
 - 3/88/0414/DC – One house and garage on land between the public house and 101 St George Road – Approved June 1988.
 - 3/08/1340/FP – Demolition of public house and erection of three–

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storey block of twelve flats – Refused November 2008 – Appeal dismissed March 2009.

- 3/09/0607/FP – Demolition of public house and erection of eight terraced houses – Refused June 2009.
- 3/11/0769/FP – Demolition of vacant public house. Construction of new residential care home within existing curtilage – Withdrawn.
- 3/11/1459/FP – Demolition of vacant public house. Construction of new residential care home – Withdrawn.

3.0 Consultation Responses:

- 3.1 The Council's Environmental Health section have requested conditions relating to hours of work, contaminated land, piling and the filtration of fumes from the proposed kitchen.
- 3.2 Affinity Water have advised that the site is within the groundwater protection zone of Musley Lane pumping station; The applicant shall be advised by way of directive of their obligations to protect groundwater in the vicinity of the site.
- 3.3 Hertfordshire Ecology have advised that the development represents a low likelihood of endangering wildlife, and that no bat survey is necessary.
- 3.4 Thames Water have advised that the developer is responsible for managing surface water drainage at the site, and that Thames Water's approval is required if this would be discharged via the public sewer.
- 3.5 The Highway Authority does not wish to restrict the grant of permission in this case but have requested conditions relating to visibility splays, parking spaces, site surfacing, the provision of a construction traffic management plan, the closure of existing accesses and seeking further information about works close to the highway.

The Highways Officer comments that 'traffic generation will not give rise to a significant increase in overall movements when compared against the previous commercial use of the site'. They conclude that "there are no highway reasons that would justify an objection on highway safety or capacity grounds".

- 3.6 The County Council's Planning Obligations Unit have sought contributions for libraries (£2,310) and the provision of a fire hydrant.

4.0 Town Council Representations:

4.1 Ware Town Council objects to the application on the grounds that it would be out of keeping with the street scene, and higher than the surrounding houses which are all 2 storeys high.

5.0 Other Representations:

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

5.2 One letter of representation has been received, raising the following grounds of objection:

- Increased traffic and on-street parking from staff, visitors and deliveries.
- The three-storey building will cause a loss of light to neighbouring residents.
- Increased density of building on the plot, leading to a loss of openness in the street scene.
- The character of the current building warrants preservation.
- The building would be out of line with the established building line.

5.3 The Ware Society have objected on the following grounds:

- The building would be too high in comparison to the neighbouring houses and pub to be replaced, which are two storeys tall.
- The proposal is an overdevelopment of the site.
- The design is inappropriate for the area, and will not fit in with the existing street architecture.

6.0 Policy:

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

SD2	Settlement Hierarchy
ENV1	Design and Environmental Quality
ENV2	Landscaping
STC8	Local Centres and Rural Provision
IMP1	Planning Conditions and Obligations
TR7	Car Parking – Standards
EDE2	Loss of Employment Sites

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- 6.2 The policies of the National Planning Policy Framework (NPPF) and the guidance in the National Planning Practice Guidance (NPPG) are also a material consideration in the determination of this application.
- 6.3 The Draft District Plan is currently undergoing public consultation. At present little weight can be given to the policies in the Draft Plan.

7.0 Considerations:

- 7.1 The site is within the settlement of Ware, and there are no objections to the principle of establishing a care home in this location, subject to compliance with the detailed criteria of both national and local planning policies. The surrounding area is predominantly residential in character, and a care home is generally held to be compatible with a residential area.
- 7.2 The main issues to be considered in the determination of the application are the appearance and scale of the proposed development; design quality; the impact on neighbouring occupiers and the surrounding area; highways matters and the loss of a community facility.

Appearance, scale and design

- 7.3 Policy ENV1, sections (a) and (c) of the Local Plan requires new developments to be compatible with the structure and layout of the surrounding area, and to relate well to the massing and height of the adjacent buildings and surrounding townscape.
- 7.4 The care home would be an L-shaped building directly addressing the north and west boundaries of the site. It would occupy a corner plot, and the building would turn the corner, generally following the established building line of King George Road to the south. The building would lie further forward (approximately 4 metres) from the front building of the neighbouring properties on Fanhams Road to the east and west.
- 7.5 The number of bedrooms proposed in the development has been reduced from 35 within the 2011 application (3/11/0769/FP), which was withdrawn, to 30 in this proposal. The layout of the development is considered to be significantly improved, with all rooms now offering en-suite wet rooms. The main public lounge would now be south-facing, and the garden has been substantially enlarged and sited to the south of the building.

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- 7.6 The care home would be three storeys high, in comparison to the two-storey houses that make up the majority of buildings in the surrounding area. However, it is important to note that the site would be partially excavated to accommodate the greater height by setting the ground floor level below the street level of Fanhams Road. The roof eaves would thereby exceed those of neighbours by only approximately 0.7 metres.
- 7.7 Furthermore, although the building would replace an existing two storey structure, the public house building was originally designed and sited to provide a prominent accent building within the street scene. This was noted by the appeal Inspector in determining the appeal against the refusal of a three storey block of flats on the site, submitted under reference 3/08/1340/FP. The inspector reasoned that, although those proposed flats would be a storey higher than the existing building and neighbouring residential properties, that increase in height “*may not however, subject to the quality of the design, be inappropriate. Indeed, a taller building here may well add significantly to the visual interest of the character and appearance of the surrounding area*”.
- 7.8 Officers agree that this corner location offers the opportunity to provide a focal building within the street scene and consider that this proposal would achieve that, without appearing unduly intrusive or harmful to the established character of the area. The setting down of the proposed building from the adjoining ground level assists in this respect, as does the overall form and design of the building. The exterior would be predominantly rendered, in keeping with many of the neighbouring houses, including several to the immediate east and north of the site. It would be a focal building in the local area, with the glazed north-west corner an evident feature when the building is approached from the east.
- 7.9 The height of the building, relative to neighbouring properties in Fanhams Road, is considered acceptable. It is also noted that, because of the difference in levels, the ridgelines of the two-storey houses on the north side of Fanhams Road are around the same height as the ridgeline to the proposed care home.
- 7.10 Officers therefore consider that the design and appearance of the proposed building would be acceptable in terms of the criteria of Local Plan policy ENV1 sections (a) and (c).

Impact on neighbouring occupiers and surrounding area

- 7.11 Policy ENV1, section (d) requires new development to respect the

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amenities of neighbouring occupiers, and not cause harm to the outlook from or daylight to neighbouring properties.

- 7.12 The building would not have windows to habitable rooms that would directly overlook the neighbouring properties to the east. The windows to three bedrooms on each of the first and second floors would look south towards the neighbouring properties on King George Road. However, these windows would be around 14 metres from the shared boundary for the two closest rooms, and 23 metres for the four bedrooms further away. At this distance, Officers consider that there would be no material harm arising from overlooking from these windows.
- 7.13 The Fanhams Road elevation of the care home would be set further forward than the adjacent properties on Fanhams Road and the first and second floor rear wall of the care home would be roughly in line with the rear walls of the neighbouring properties, and would not cause a loss of outlook from these properties.
- 7.14 The care home would lie to the west and north of the nearest neighbouring properties. No undue loss of natural daylight would occur to these neighbouring properties as a result of the development. Properties on the north side of Fanhams Road would also not experience any harmful loss of natural light as a result of the development.
- 7.15 Officers therefore consider that the development would be acceptable in terms of the criteria of policy ENV1 section (d).

Loss of a community facility

- 7.16 Policy STC8 of the East Herts Local Plan allows for the loss of a community facility, such as this public house, if alternative facilities exist and if there is clear evidence that the use cannot continue as a viable business.
- 7.17 The public house closed in 2008, following which there have been two applications refused for the development of the site for houses and flats, as well as two withdrawn applications for a care home on the site.
- 7.18 Prior to its closure in 2008 the public house recorded a loss for the preceding year, and only a small profit for the six month period before that for which records have been provided. Since that time, and in spite of marketing, there has been no firm interest in re-opening the public house. The applicant has provided letters from two publicans who viewed the property, but declined to take it on.

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- 7.19 There are three other public houses within one mile of the site, and Officers consider that this level of provision means that the community will not suffer unduly as a result of the loss of the Sun and Harrow as a community facility. Two of the publicans of those public houses have written to express support for the redevelopment of the site.
- 7.20 Having regard to these factors, Officers are satisfied that there are alternative community facilities and that there is little likelihood of the property being brought back into use as a public house. The redevelopment of the site is therefore considered acceptable in terms of policy STC8 of the Local Plan.

Highways matters

- 7.21 As regards highway safety and parking provision, Officers are satisfied from the information received, and from the consultation response from the Highway Authority, that the proposal would have no significant impacts on the safety or capacity of the local highway network. Conditions are recommended to ensure satisfactory provision for vehicle and pedestrian access to the site and to ensure that there is safe and convenient access to local bus stops.
- 7.22 Ten car parking spaces would be provided at the site. This exceeds the Council's maximum standards of 0.25 spaces per resident (7.5 spaces) for this type of development.
- 7.23 The proposal is therefore considered acceptable from a highways perspective.

Miscellaneous

- 7.24 With regard to the amenities of the new residents, the garden would be more than 200 square metres in area. It would be south facing, and provide amenity and natural light throughout the day for residents. The public lounge would be south-facing, with rooflights in the flat roof to provide natural light throughout the room.
- 7.25 6 bedrooms on the ground floor would face onto the front excavated area. Each would have an acceptable level of space between their windows and the landscaped boundary. Officers consider that sufficient levels of natural light would reach these rooms to provide acceptable accommodation for the occupants.
- 7.26 The rooms would be generously sized, ranging from around 15 to 30

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square metres, including the private wet room to be provided for each room. The applicants have stated that each room would exceed the minimum industry standards.

- 7.27 The development would incorporate sustainable development measures in its design. The flat roof over the ground-floor lounge would be a sedum green roof. This would provide a more pleasant view from the south and east facing windows on upper floors than a felt or similar roof. It would also provide good heat insulation for the lounge.
- 7.28 The south-facing roof slopes would be fitted with photovoltaic solar panels. These would provide power to the building and potentially the national grid. The building would also make use of efficient ventilation and double glazing to minimise heat loss. Given the importance of the appearance of the building on this prominent corner site, it is considered reasonable to require that details of all sustainable development measures proposed be submitted for consideration prior to construction commencing on site.
- 7.29 The proposed development would be likely to result in increased demand for library services and Officers therefore consider that the request for a contribution to mitigate this impact on local infrastructure is both necessary and reasonable in accordance with the tests in the CIL Regulations 2010. Similarly, the requirement for the provision of a fire hydrant is also considered necessary and reasonable in this case.

8.0 Conclusion:

- 8.1 There is no policy objection in principle to the construction of a care home in this location within the town boundary. The building has been designed by taking account of the general character and scale of surrounding properties. Allowing for the constraints of the site and the size of the building required, Officers consider that it would be a well-designed development that would make best use of this prominent corner plot.
- 8.2 The form and design of the development is considered to be appropriate in the local area, and no unacceptable harm would result to neighbour amenities or highway safety.
- 8.3 The development would be acceptable in accordance with the policies of the National Planning Policy Framework and the East Herts Local Plan Second Review April 2007. It is therefore recommended that planning permission be granted.