

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 at Leaside Depot, Ware, SG12 7QE for Goring Estates Ltd

Date of Receipt: 20.05.2014

Type: Full – Major

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

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

- £ 5,467 towards Libraries;
- £18,367.65 towards Health Care;
- Monitoring fee of £320 per clause.

planning permission be **GRANTED** for the application submitted under reference 3/14/0914/FP subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) – (1304-000, 1304-001 G, 1304-002 H, 1304-003 G, 1304-004 G, 1304-005 E, 1304-006 E, 1304-007 F, 1304-008 F, 1304-009 D, 1304-010 E, 1304-011 A)
3. Boundary walls and fences (2E07)
4. Materials of construction (2E11)
5. Hard surfacing (3V21)
6. Landscape design proposals (4P12) (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

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Authority. The submitted scheme shall include details of the extent and layout of the buffer zone which will be free from development, details of 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: 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)
12. Provision and retention of parking spaces (3V23)
13. Prior to the commencement of the development hereby approved, details of the section of footway linking the existing footway along Widbury Hill into the site 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.

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: 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).

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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. Planning Obligation (08PO)
2. Groundwater protection zone (28GP) (Musley Lane)

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 planning history that relates to the adjoining residential site, and in particular the planning permission allowed at appeal under lpa reference 3/08/1399/OP, 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 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 estates, 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.

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- 1.4 The existing site is occupied by a Coachworks building which is currently only partly occupied by what appears to be a vehicle repairs business. The site is currently occupied by a typical Coachworks building which is mainly constructed using 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 71 bedroom care home building with associated car parking and landscaping.
- 1.6 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 'H-shape' with two wings of rooms and a central area which, at ground and first floor levels, would accommodate a communal lounge and dayroom. The building would provide 3 storeys of accommodation and would reach a maximum height of 13.5 metres.
- 1.7 The roof of the building is designed with three main pitched roofs with parapets to the front and rear. The front and rear elevations have semi-circular flat roof projections and the side elevations have small projections with pitched roofs. The mixture of brick and render is proposed for the external materials for building.
- 1.8 The existing area of parking to the front of the building is proposed to continue 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, which includes 2 disabled spaces.
- 1.9 The bank of mature trees to the northern site boundary is proposed to be retained, with two trees being removed at the north west corner of the site, adjacent to the access.
- 1.10 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.
- 1.11 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.

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1.12 It should be noted that amended plans have been received during the course of the application to address some concerns that were raised by Officers relating to the design detail and pedestrian routes through the site.

2.0 Site History

2.1 The relevant planning history for the site is as follows:

2.2 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 Ipa reference 3/08/1399/OP. This application was subsequently allowed at appeal in 2009.

2.3 In 1988 planning permission was refused under Ipa reference 3/88/0508/FP for the redevelopment of the site for 15No. dwelling houses. This proposal was subsequently dismissed at appeal.

2.4 The site has been subject to other planning applications for alterations to the existing building which are not considered to be relevant to this current application.

3.0 Consultation Responses

3.1 Natural England have commented that the proposal will not impact upon any statutorily protected sites and that there may be opportunities to provide landscape and biodiversity enhancements within the scheme

3.2 Affinity Water has commented that the site is located within the groundwater Source Protection Zone of Musley Pumping Station and that the relevant British Standards and Best Management Practices should be adopted.

3.3 The Herts and Middlesex Wildlife Trust have commented that opportunities should be taken to enhance biodiversity to the River Lea and to the balancing ponds within the adjacent site.

3.4 Hertfordshire Constabulary have advised that 'green fencing' should be used to secure the site and avoid any vulnerable residents from going missing.

3.5 Environmental Health has recommended conditions that relate to construction hours of working, internal insulation between bedrooms and communal rooms, piling works and contaminated land.

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- 3.6 The Environment Agency has commented that, as the site is located within Flood Zone 2, a sequential test must be carried out. They have recommended conditions which require an 8 metre wide buffer zone to the river and details of contaminated land.
- 3.7 The Council's Engineers have commented that the proposal shows an increase in permeable areas within the site. The Flood Risk Assessment (FRA) that has been submitted describes poor quality Sustainable Drainage Systems (SuDS) that consist of below ground storage tanks, which are expensive and difficult to maintain, and permeable paving. Other SuDS that could have been included are lined swales or detention basins and green roofs.
- 3.8 The County Planning Obligations Unit has requested financial contributions towards libraries and a fire hydrant.
- 3.9 NHS England have commented that the three main surgeries in Ware do not have the capacity to absorb the additional requirement for general medical services (GMS) should this application be successful. A financial contribution is requested £18,367.65 to support the practices most impacted.
- 3.10 The NHS Clinical Commissioning Group have commented that the local general practices are under great strain and that another care home, in addition to other new care homes within the area will make it difficult to deliver the level of primary care that is expected.
- 3.11 County Highways do not wish to restrict the grant of permission. They comment that the applicant has undertaken a TRICS assessment to establish both the theoretical maximum number of trips associated with the existing B2/B8 site, and the likely number of trips associated with the proposed care home. This has been checked and found to be robust. The assessment takes account of the fact that a B1 office development received approval on this site as part of the residential scheme on the adjacent site (which has recently been completed), and that if the care home is approved, this office development will no longer go ahead. On this basis, County Highways agree that overall the proposed development is no more intensive than the existing Coachworks site.

The recently completed adjacent residential site takes its main access from a new junction. However, the land is open into this site meaning residents could use the petrol filling station access if they wish. However, it is noted that one of the appeal conditions from the approved scheme restricted traffic associated with the commercial site

to the petrol filling station access only. The Highway Authority agrees this was a sensible measure to take as commercial traffic routing through the residential estate would be inappropriate. However, traffic associated with the proposed care home will be much more in keeping with the adjacent residential site, and their preference would be for vehicular access to the site via the petrol station to be closed off, and all traffic routed through the residential estate and out onto the new Widbury Hill access. This is due to the fact that the petrol station access has slightly restricted visibility to the west, and that confusion could arise for drivers entering/exiting the petrol station forecourt at the same time as those entering/exiting the site.

However, 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. Therefore, it would not be justified for the Highway Authority to object to the petrol filling station access remaining in place. The continuing use of this access for vehicles associated with this site will, however, depend on the provision of a section of footway linking the existing footway along Widbury Hill into the site itself. It is noted from the plans that such a footway link is to be provided.

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.

In terms of financial contributions toward the sustainable transport network, it is noted that trip rates will not increase at the site as a result of the development, and that the level of parking within the site is to remain broadly similar. As such, it is not considered justified to request a Section 106 contribution in this case.

- 3.12 The Council's Landscape Officer has recommended approval. They have commented that there would be no adverse impact upon trees and that there is a lack of detail in respect of the landscaping proposed. However there is sufficient scope to provide a communal garden/amenity space.

4.0 Town Council Representations

- 4.1 Ware Town Council comments that they have agreed to support the

proposal.

5.0 Other Representations

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

5.2 10 No. letters of representation have been received from local residents which can be summarised as follows:

- Concerns in respect of the height of the building and overlooking into private gardens;
- Traffic and noise disturbance by night workers who will arrive by car and during construction works;
- The site needs its own access that is not through Plaxton Way;
- The use of Plaxton Way for construction vehicles will result in a significant noise impact and loss of privacy to the occupiers of Marconi Court with fronts onto the highway;
- Potential damage to Plaxton Way roads and the cost responsibilities of repair and maintenance;
- The petrol station received queues of traffic which is likely to result in the care home visitors using the access into Plaxton Way-the access into the petrol station should be widened to avoid this;
- The traffic surveys carried out at other care homes do not show numbers of evening visitors;
- The proposal makes an insufficient parking provision and could lead to additional parking in Plaxton Way and Widbury Gardens;
- There should be a crossing/traffic calming put in place along Widbury Hill;
- This would be a positive development to the area which is currently looking quite run down;
- The design and appearance of the proposed building is pleasing and will fit in with the existing housing estate;
- Loss of trees to the frontage.

5.3 The Ware Society has commented that the developer should be congratulated for consulting and working with interested parties and that the resulting design is very pleasing. However, they have concerns that the proposal would replace existing skilled workers with mostly unskilled workers. The shared access with the petrol garage is already dangerous and additional traffic would make this worse, a wall should be constructed instead of a fence to the east boundary.

5.4 A letter has been received on behalf of three local Doctors surgeries

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which states that they are not in favour of developing another care home as there is a chronic shortage of surgery space in the town.

5.5 Neighbouring residents, the Town Council and local Members have all been re-consulted on the amended plans that have been received. Any additional comments received will be reported to Members as additional representations at the Committee meeting.

6.0 Policy

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

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| SD2 | Settlement Hierarchy |
| TR2 | Access to New Developments |
| TR7 | Car Parking – Standards |
| EDE1 | Employment Areas |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV3 | Planning Out Crime-New Development |
| 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 |
| WA8 | Employment Areas |
| 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

7.1 The site is located within the built up part of Ware, wherein new development is acceptable in principle. The determining issues for this proposal are therefore as follows:

- The proposed use on a designated Employment Site;
- Flood Risk;
- The size, scale, height, form, siting, layout and design of the proposal;
- Neighbour amenity;

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- Parking and access.

Use

- 7.2 The site is located within the Widbury Hill Employment Area as identified within Policy WA8 of the Local Plan. The Employment Area includes the petrol station to the west and the site to the east which has now been developed for residential purposes.
- 7.3 Policy EDE1 of the Local Plan states that Employment Areas are reserved for industry comprising use classes B1, B2 and B8. The current proposal would result in the loss of the existing industrial units and the provision of a care home which falls under the C2 Use Class. The proposal therefore forms a departure from Policy EDE1.
- 7.4 It is noted in the case of the appeal that was allowed at the adjoining site that the Inspector authorised the loss of a number of industrial units within the site and approved a mixed use development which would have resulted in the retention and refurbishment of the existing coachworks building. The Inspector's decision concluded that the loss of employment land would be harmful but, as the site had poor accessibility and was unsuitable for large units, this harm would not be unacceptable. The Inspector suggested that the coachworks could be used for smaller units which would not suffer from these problems and gave weight to the benefits of a mixed use scheme with the retention of the coachworks.
- 7.5 The applicant has estimated that the proposed care home would create 40 full time jobs. They have stated that currently 8 people are employed within the existing site. It is noted that only part of the existing building is currently occupied. However, should the entire unit be occupied by a B1/B2/B8 use then the number of staff employed on the site would still be likely to be considerably lower than the proposed care home. Officers consider that the number of employment opportunities that the proposal would bring and the economic benefits that this would bring is a material consideration to which significant weight should be attached.
- 7.6 Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use then applications for alternative uses of land should be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 7.7 The applicant has not submitted any evidence that the site has been

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marketed for a continued B1/B2/B8 use. However, a Commercial Viability Assessment does accompany the planning application. This assessment identifies several constraints to the site including that the access is from narrow roads which limits turning space for large vehicles and the loading space within the site is poor. The surrounding areas are predominately residential which the report claims is off putting for businesses due to the complaints and restrictions that they can be faced with to avoid disturbance to the residents.

- 7.8 The assessment suggests that the recent low rents and flexible lease terms for the existing premises are the only reasons why the site continues to be partially occupied and that letting the premises at a market rental price and for reasonable lease terms so close to residential areas and with a restricted access would be extremely difficult.
- 7.9 It is stated that there are 25,094sq.ft of vacant industrial premises in Ware and that the premises within the application site would add a further 12,000 sq.ft to this. It is estimated that in recent years there has been a 5,000 sq. ft per year take up of industrial units, suggesting that it would take five years for the existing vacant space within Ware to be taken up, assuming that no new space becomes available during this time. The assessment states that the neighbouring towns of Hertford and Hoddesdon have a large amount of available industrial space and that the existing site will eventually become redundant as it is unable to compete with higher quality accommodation that have less constraints and that are available elsewhere.
- 7.10 In 2013 an update of the 2008 Employment Land Review took place. This 2013 update report states that Ware contains a diverse mix of employment land and buildings including some good quality and modern units. The Widbury Hill Employment Area remains classified as 'Amber' within the study which suggests that the site is to be considered for improvement or redevelopment for employment use.
- 7.11 Whilst Policy EDE1 expects sites such as this to be retained for B1/B2/B8 use, Officers consider that there are material considerations that justify the introduction of an employment use that does not fall within these Use Classes in this case.
- 7.12 Officers acknowledge that the application site has various constraints that would hinder its continued use for B1/B2/B8 purposes. The access into the site via the petrol forecourt, coupled with the narrow adjacent highway is not ideal for the use of large vehicles that would be associated with many B1/B2/B8 uses. The close proximity to

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residential properties, particularly those recently constructed within Plaxton Way, is also a concern as the use of the site for B1/B2/B8 purposes could cause harm to the amenities of the neighbouring occupiers.

- 7.13 The current proposal would provide more employment opportunities than it is anticipated that the continued use of the site for B1/B2/B8 uses could provide. The Inspector that determined the appeal relating to the adjoining residential site looked favorably upon the retention of this site for employment purposes so that a mixed use would be achieved. The current proposal would meet this expectation of the Inspector by maintaining employment within this part of the site and achieving an overall mixed use site.

Flood Risk

- 7.14 Due to the site's location within Flood Zone 2, and as the proposal would introduce a more vulnerable use to the site, a sequential test is required to be carried out to determine whether there are other sites that are reasonably available within the District that are of lower flood risk and could accommodate the proposal. Officers have considered all of the sites that have been identified within the Strategic Land Availability Assessment (SLAA) and others that Officers are aware of within the District and have been unable to find a site, of equivalent size, that is reasonably available and is of lower flood risk that could accommodate the proposed care home. The sequential test has therefore been passed.
- 7.15 The comments that have been received from the Council's Engineers have been considered. It is important to recognize 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 entire area to the rear which would be used as a communal garden. The proposed reduction in impermeable surfaces within the site would inevitably reduce flood risk from surface water within the site. The comments made by the Engineers that other forms of SuDS to the proposed below ground storage tanks should be considered is noted. However, the suggestions for green roofs and detention basins within the site are not considered to be appropriate for the proposal. Pitched roofs are proposed to the roof of the building which would prevent a green roof from being feasible and bearing in mind some of the vulnerable residents that are likely to occupy the site, the provision of a further retention pond (in addition to that already provided within the neighbouring residential site) could cause some safety concerns and prevent the amenity space being used

for purposes that would be more beneficial to the occupiers.

- 7.16 Therefore, Officers consider there to be no reason to raise an objection on flood risk grounds and consider that a condition to require further proposals to be submitted in respect of SuDS to be unreasonable and unnecessary in this case.

Size, scale, height, form, siting, layout and design

- 7.17 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.
- 7.18 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 lounge and dining areas and for staff to have easy access to all parts of the facilities. 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.
- 7.19 The proposed building would be approximately 6.2 metres higher than the existing building. Such an increase in height would inevitably have some impact upon the character and appearance of the site and the surrounding area. However, the proposed building would be set back a further 3 metres from the front (north) boundary of the site than the existing building, and due to its design the central part of the building would be set back a further 12 metres. The building would therefore be set back a minimum distance of approximately 21 metres from the north site boundary. 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 that provide screening for the site, would be sufficient to ensure that the building would not appear unduly prominent or detrimental to the character and appearance of the area.
- 7.20 The building design is of a high standard which, having regard to the appearance of the existing building that occupies the site and that of the neighbouring petrol garage, will enhance the character and appearance of the area. The amended plans that have been submitted have resulted in changes to the roof design and steeper pitches to the gabled projections on the flank elevation which improves the proposal and is reflective of similar design details within the new residential development of Plaxton Way. The proposal for a mix of brick and

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render also responds to the neighbouring residential site and will ensure that the development is of a high standard that would appear in keeping with the character and appearance of the area.

- 7.21 Officers consider the proposed size, scale, height, form, siting, layout and design of the proposal to be acceptable.

Neighbour amenity

- 7.22 The increased height of the building, compared to the existing, and the addition of windows with 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. However, a minimum distance of 16 metres would be retained between the eastern elevation of the new building and the side boundary of gardens of the neighbouring dwellings at Nos. 42 and 43 Plaxton Way and a distance of 19 metres would be maintained to the flank elevation of Marconi Court. A minimum space of approximately 47 metres would be retained between the front of the building and the neighbouring properties to the north in Widbury Gardens. Officers consider that these distances would be sufficient to ensure that an unacceptable degree of overlooking would not occur.
- 7.23 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.
- 7.24 The concerns that have been raised by neighbours in respect of the noise and disturbance that could be caused by the development have been considered. It is acknowledged that the proposed use would result in some level of night time activity, unlike the existing business that operates at the site. However, this night time activity would be limited to visitors and staff arriving at the site and therefore the degree of the impact caused by this disturbance is not anticipated to be unacceptable. The impact of heavy construction vehicles passing the neighbouring dwellings and potentially stopping outside of Marconi Way is anticipated to be significantly greater. Officers do have some concerns in respect of the use of Plaxton Way for construction vehicles due to the impact that this could have upon the amenities of neighbouring occupiers. Whilst it is acknowledged that the Council would have limited enforcement powers in respect of construction vehicle routes, a condition is nevertheless recommended for a

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Construction Traffic Management Plan to be submitted in order to seek to agree details for construction work, in order to aim to minimize the impact upon neighbouring residents and the surrounding highway network.

Parking and access

- 7.25 The concerns that have been raised in respect of the continued use of the shared access into the site with the petrol filling station is noted, as are the converse concerns that have been raised in respect of the use of Plaxton Way for access. The application proposes to continue to use the access shared with the petrol station. 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 this access would not have an unacceptable impact upon highway safety. In respect of the use of Plaxton Way for access, whilst this is not intended on the plans submitted, it is acknowledged that the only way to control this would be to impose a condition and/or to require some form of bollards to stop vehicles using this access. It is noted that the Inspector imposed a condition to prevent this access being used in the case of the allowed appeal. However, this condition appears to have been justified due to the B1/B2/B8 use that was intended which would have resulted in heavy vehicles visiting the site. As the proposed use as a care home, once constructed, would be unlikely to attract heavy vehicles, Officers do not consider that it would be justified to impose a condition to restrict the use of this access in this case.
- 7.26 A total of 25 parking spaces are proposed to serve the 71 bedroom care home. Appendix II of the Local Plan recommends 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. Having regard to the location of the site within the built up part of Ware and within walking distance of public modes of transport, and the comments that have been received from County Highways, Officers consider there to be no justification to refuse planning permission on parking grounds.
- 7.27 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 outlined above. 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.

Other Matters

- 7.28 In accordance with Policy IMP1 financial contributions are required, as set out at the head of this report, to mitigate against the pressures that the development would bring to local services, which in this case are library and health care services. The applicant has confirmed that they are willing to commit to entering into a Section 106 agreement in respect of these matters.
- 7.29 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).
- 7.30 Two 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 Officers recognize that 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.
- 7.31 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 bats were found within the existing building and that there are no opportunities for bats within the building. Therefore, Officers consider that the proposal would not have an unacceptable impact upon protected species.
- 7.32 The condition recommended by Environmental Health to require details of insulation to be agreed between bedrooms and the communal areas within the care home is not considered to be necessary as this would be dealt with under Part E of the Building Regulations.

8.0 Conclusion

- 8.1 Officers consider the proposed development to be acceptable and therefore recommend approval of the application for planning permission subject to the applicant entering into a Section 106 agreement and the conditions set out at the head of this report.