

5d 3/11/0674/FP – Erection of 14 dwellings with parking, landscaping and associated works at Western House Hospital, Collett Road, Ware for James McConnell, Bellway Homes.

Date of Receipt: 21.04.2011

Type: Full - Minor

Parish: WARE

Ward: WARE – CHRISTCHURCH, WARE - TRINITY

RECOMMENDATION

(a) That subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

1. The provision of a financial contribution of £15,000 towards transport schemes and measures in the vicinity of the site.
2. The provision of a financial contribution of £49,590 towards primary education.
3. The provision of a financial contribution of £58,198 towards secondary education.
4. The provision of a financial contribution of £1,084 towards libraries
5. The provision of a financial contribution of £6,388 towards parks and public gardens.
6. The provision of a financial contribution of £17,694 towards outdoor sports facilities
7. The provision of a financial contribution of £2,613 towards provision for children and young people
8. The provision of fire hydrants in accordance with the current HCC Planning Obligations Contributions Table.
9. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards.

(b) the Director of Neighbourhood Services be authorised to **GRANT** outline permission subject to the following conditions:

1. Three year time limit (1T12)

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2. Boundary walls and fences (2E07)
3. Sample of materials (2E12)
4. Prior to the installation of any windows and doors, detailed drawings of new doors and windows, including details and materials of the garage doors, at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved plans and specification.

Reason: In the interests of the appearance of the proposed development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Provision and retention of parking spaces (3V23)
6. Prior to the commencement of the development hereby approved details of the emergency vehicle access onto Lime Close shall be submitted to and approved by the Local Planning Authority and thereafter installed and retained as approved.

Reason: To ensure the development makes adequate provision for emergency access in the interest of highway and public safety.

7. Tree retention and protection (4P05)
8. Hedge retention and protection
9. Landscape design proposals (4P12) parts a), d) e), f), i), j) k) and l)
10. Landscape works implementation (4P13)
11. Vehicular use of garage (5U10)
12. Withdrawal of P.D, Part 1 Class E (2E22)
13. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority and undertaken in accordance with the approved details:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

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- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

14. Prior to occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy (Condition 14) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

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15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure protection of controlled waters in accordance with policies ENV20 and ENV21 of the East Herts Local Plan April 2007.

17. Approved plans (2E10) – 101002-BEL.NL-01A, 02A, 03, 04A, 05, 06A, 07A, 08A, 09A, 10, 11, 12A, 13, 14A, 15A, 16A, 17A, 18A, 19A, 20A, BELL17679 11, 7320/01.

Directives

1. Other Legislation (01OL)
2. Where works are required within the public highway to facilitate the emergency vehicles access onto Lime Close the highway authority require the construction of such works to be undertaken to their specification and by a contract who is authorised to work in the public highway. Before works commences the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL.
3. Street name and numbering (19SN)
4. Veolia Water (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD3, HGS1, HSG3, HGS4, HSG6, HGS7, TR2, TR7, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11 and BH6 and PPS5. The balance of the considerations having regard to those policies is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background

- 1.1 The site contains the vacant Western House Hospital, a former nursing home for elderly patients, constructed just after World War II, and is shown on the attached Ordnance Survey extract.
- 1.2 The site is accessed from Collett Road, via a private access road that also serves Porters Lodge, the grade II listed Old Boardroom and The Octagon, a grade II listed former workhouse, now converted to flats.
- 1.3 The levels rise considerably from Collett Road towards the north, with the existing rear car park being some 10 metres above the level of Collett Road.
- 1.4 To the east there is an emergency vehicular access to and from the site to Lime Close, but this appears not to have been used on a regular basis. Lime Close is a 1970's two storey residential cul-de-sac accessed from Musley Hill. Set within the western boundary of Lime Close, abutting the eastern boundary of the site is a row of mature trees.
- 1.5 To the north of the site are 3 bungalows at No.s 62a, 64 and 66 High Oak Road.
- 1.6 To the west of the site are the rear elevations and gardens of the Victorian terraced houses fronting onto High Oak Road. The western, northern and eastern boundaries of the site are formed by substantial stock brick walls of varying heights.

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1.7 The existing Western House Hospital is a two storey building in red brick with a pitched plain tile roof. Conservation Area Consent has been approved for the demolition of the building under Ipa 3/11/0448/LC.

2.0 Site History

2.1 Outline Planning permission was granted in October 2003 under Ipa 3/02/1723/OP for the redevelopment of the site for residential use and related purposes. An associated Conservation Area Consent for demolition of the buildings on site was approved under 3/02/1727/LC.

2.2 More recently Conservation Area Consent for the demolition of the buildings on site has been approved under 3/11/0448/LC.

3.0 Consultation Responses

3.1 The Council's Environmental Health Unit have advised that any permission shall include a number of conditions relating to noise, air quality, contaminated land and refuse disposal facilities.

3.2 The Council's Conservation Section have raised no objections subject to conditions for materials for the buildings and associated hard surfacing together with window and door details.

3.3 The Environment Agency have raised no objection subject to the imposition of conditions in respect of contamination and remediation and surface water drainage

3.4 Hertfordshire Highways have commented that they do not wish to restrict the grant of permission subject to conditions for details of access, hard surfacing materials, construction vehicle movements and wheel washing together with a financial contribution of £15,000 towards measures identified in the Hertford and Ware Urban Transport Plan.

3.5 Hertfordshire Fire and Rescue has made advisory comments in respect of access and facilities and water supplies.

3.6 Hertfordshire Constabulary do not object to the proposal but have commented in regards to the Design and Access Statement and in respect of crime prevention.

3.7 The County Minerals and Waste Team have responded referring to policies that include encouraging re-use of unavoidable waste and the re-use of recycled materials.

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3.8 English Heritage have responded providing no comments but recommending that the application should be determined in accordance with national and local policy guidance.

3.9 Veolia Water comment that the construction works and operation should be done in accordance with the relevant British Standards and Best Management Practices.

3.10 At the time of writing the report, no comments had been received from the Councils Housing, Waste or Landscape Sections.

4.0 Town Council Representations

4.1 At the time of writing this report, Ware Town Council has made no comments.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. 18 letters of representation had been received raising the following comments:-

- Supportive of redevelopment of land in principle
- Concerns with impact to amenity by noise, outlook, loss of light and overlooking to neighbours in High Oak Road and Lime Close
- Health and safety concerns during construction and maintenance of wall surrounding 3 of the site boundaries
- Single access is dangerous onto Collett Road, internal road steep and impassable in bad snow
- Access via The Octagon will cause disruption to occupiers and concern with condition of road worsening
- Overcrowding of site. Town houses not appropriate for area
- Insufficient parking at site and for visitors
- Concerns with vehicular or pedestrian access to Lime Close with associated parking pressures, highway safety concerns and crime concerns
- Removal of bushes could destroy birds, mammals and insects

6.0 Policy

6.1 When considering the application a number of policies contained in the Adopted Local Plan must be taken into account. These include:-

SD1: Making Development More Sustainable

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SD2:	Settlement Hierarchy
SD3:	Renewable Energy
HSG1:	Assessment of Sites not Allocated in this Plan
HSG3:	Affordable Housing
HSG4:	Affordable Housing Criteria
HSG6:	Lifetime Homes
HSG7:	Replacement Dwellings and Infill Housing
TR2:	Access to New Developments
TR7:	Car Parking – Standards
ENV1:	Design and Environmental Quality
ENV2:	Landscaping
ENV3:	Planning Out Crime – New Development
ENV4:	Access for Disabled People
ENV9:	Withdrawal of Domestic Permitted Development Rights
ENV11:	Protection of Existing Hedgerows and Trees
BH6:	New Developments in Conservation Areas

Planning Policy Statement 5 – Planning for the Historic Environment.

7.0 Considerations

7.1 The main considerations in the determination of this application relate to:-

- The principle of a residential development at the site
- The appropriateness of the layout, scale and design
- Impact upon the Conservation Area / Setting of listed buildings
- Impact upon neighbour's and future occupiers amenity
- Landscape and ecological considerations
- Highway implications and,
- Other matters

Principle of development

7.2 The site is located within the town of Ware wherein Policy SD2 of the Local Plan applies. This states that development will generally be concentrated in the main towns of the district, which includes Ware. The principle of residential development at this site is therefore acceptable and has also been established by the earlier outline planning permission. The former Western House Hospital patients have already been relocated to a new build site and as such there is no loss of this facility.

Appropriateness of the Layout, Scale and Design

- 7.3 In terms of the layout of the proposal, I note that the form and character of the wider area is varied but that within the immediate Western House Hospital site, with the Octagon building, the layout is more symmetrical. The proposed layout follows the more symmetrical approach and overall compliments the existing pattern of street blocks, plots and buildings within the locality. The layout maintains adequate spacing between buildings and the site boundaries so that the site does not appear congested. The layout does accommodate a relatively large amount of hard surfacing proposed as a shared surface, but officers consider that, together with the proposed soft landscaping scheme, and suitable materials, this would be acceptable.
- 7.4 In respect of the scale of the buildings these vary from 2 to 3 storeys. Plots 3-12 would appear as 3 storeys to the front, southern, elevation (which will only be viewed from within the plot) and because the development make use of the natural land levels, they would appear as a traditional 2 storey dwellings to the rear elevation (where the site adjoins the bungalows at 62a-66 High Oak Road). The overall scale itself is subservient to the 3 to 4 storey Octagon building and would be sympathetic to the surrounding scale of buildings within the locality.
- 7.5 In terms of design, as the development combines Neo-Classical and Victorian features it relates well to the architectural qualities of the existing hospital as well as to the character of this part of the Conservation Area where the building stock consists primarily of 19th-century brick terraces. The materials indicated as lbstock buff multi with a dark grey roof are acceptable in principle but a condition has been imposed for a sample to be agreed to ensure the use of high quality materials. Equally, a condition is suggested for window and door details (including the garage doors) to be submitted to and approved to ensure a high quality development.

Impact upon the Conservation Area / Setting of Listed Buildings

- 7.6 In terms of the impact to the Conservation Area and setting of the listed buildings, the layout of the development is well thought through with interesting groupings of houses, and imaginative landscaping, all of which adds a sense of place while at the same time the layout opens up towards the listed building and the new access roads create an impression of continuity and connection. The design features relate well to the architectural qualities of Western House as well as to the wider character of this part of the Conservation Area. Individually, the buildings, in terms of their mass and scale as well as materials, complement the qualities of the Conservation Area and the setting of the listed buildings to the south of the site.

Impact upon neighbour's and future occupier's amenity

- 7.7 In respect of the impact to neighbours amenity I turn first to look at the neighbours in Lime Close, which consist of semi-detached bungalows and two storey terraces. The layout of the development is such that it maintains appropriate distances of over 30 metres to the bungalows. Despite the scale differences between the dwellings, given this distance and the tree screen along the boundary (to be protected and retained by condition) there would be no unacceptable impact upon their amenity from overlooking, loss of light, outlook or similar. The two storey end terrace at No. 16 has a first floor obscure glazed window and 2 ground floor openings. Given the siting of the new dwellings to this property (Plot 12 in particular) and with appropriate boundary treatments I do not consider that there would be any unacceptable overlooking to this property. Neighbours within Lime Close have raised concerns with any proposed pedestrian and vehicular access from the site into Lime Close, noting that it may result in parking pressures in Lime Close itself. These concerns have been considered in 'Highways Implications' at Para. 7.17.
- 7.8 I turn now to consider the impact to the neighbours at 62a, 64 and 66 High Oak Road, sited to the northern boundary. These properties are bungalows with modest gardens. Whilst the proposed dwellings will be closer to these properties than the main hospital building is at present, the layout would maintain 19 metres between habitable windows and 10 metres at the closest point to the common boundary. Given these distances, the scale of proposed buildings and due to existing landscaping within the boundaries of the above listed properties, I am satisfied that the development would not appear overbearing or result in unacceptable overlooking, loss of light or similar.
- 7.9 I turn now to consider the impact to neighbours within the remainder of High Oak Road. The rear gardens of the dwellings at No. 36 – 42 back onto the proposed rear gardens for Plot 1 and 2, at a distance of 21 metres between habitable rooms. This is not an unacceptable distance within an urban area and it is considered acceptable in terms of amenity. The rear gardens of No. 40 and 42 would back onto a proposed garage building. Due to the height and design of the roof of the garage, together with the brick wall boundary treatment would ensure acceptable amenity. No. 46 – 54 will back onto the flank wall of the property and garden for plot 3. At the nearest point the flank wall of the dwelling will be 10.5 metres from the rear first floor element at No 48 and 50 in particular. Again within an urban environment, I do not consider that this would be unacceptable to their outlook (or light, given the orientation of properties) – indeed the hospital building is at similar distances to other properties within High Oak Road. There are no windows to the flank of Plot 3 to prevent unacceptable overlooking.

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- 7.10 Neighbours within the surrounding properties have raised concerns regarding noise disturbance from future occupiers, however it is not uncommon for gardens to back onto one another, and with the proposed gardens at a depth of around 10-12 metres, it is not considered to result in unacceptable noise disturbance or similar.
- 7.11 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 dwellings and acceptable internal layout of rooms to result in an acceptable degree of amenity being achieved.

Landscape and ecological considerations

- 7.12 A tree restraints plan showing the plotting and assessment of the existing trees on the site and on adjacent land, has been undertaken and forms part of the application. This shows that buildings have been sited to prevent encroachment of root protection zones and to ensure full retention of trees. The siting of dwellings are considered to be at appropriate distances and orientations that is considered to not result in unacceptable overshadowing of properties or future pressure for thinning, lopping or removal of trees.
- 7.13 Looking at the detail of landscaping to the site, although the site is covered with a large amount of hard landscaping, with sufficient emphasis being given to the quality of the external and landscaped space around the dwellings in terms of attention to design details and specification of materials (plants, trees and hedging as well as hard surfaces, fencing etc.) then an attractive development could be achieved. Any permission would be subject to a specific landscaping condition that would require a high quality landscaping scheme to be detailed and agreed.
- 7.14 In terms of ecology, the development is not anticipated to impact adversely upon protected species. The impact upon bats in particular has been considered in respect of the demolition of the building (Ipa 3/11/0448/LC) and an appropriate condition was imposed to that permission in respect of the time of year and method of demolition.

Highway matters

- 7.15 As confirmed by Herts Highways, there are no objections in principle to the proposed development which is located in a sustainable location close to the town centre and other local amenities. In respect of the access, off an existing private roadway from Collett Road, this is considered acceptable from a highway aspect. Occupiers in The Octagon have raised concerns with this in terms of noise disturbance, however the traffic generation and speed of traffic is likely to be low and the distance from the access road to these flats is not uncommon.

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- 7.16 Internally the vehicle turning areas are acceptable and in respect of parking, the 30 allocated (within garages and on driveways) and 1 unallocated space for the 14 dwellings is considered acceptable and in line with the Council's parking standards, which outlines that the maximum space standard to be 40.5 spaces. Given the sustainable location of the site, this is considered to be acceptable.
- 7.17 A 'Refuse and Emergency Vehicle Strategy Plan' has been submitted which indicates emergency vehicular access from the eastern boundary into Lime Close. Herts Highways have confirmed that this is acceptable subject to full details of this being submitted. A condition has been imposed to seek this and to ensure that this will be an emergency access only, as a permanent access onto Lime Close is likely to give rise to other highway safety and parking concerns. The landscaping condition requires the submission of pedestrian movement links to seek confirmation of footway links (to be kept open) through the site. Neighbours in Lime Close are concerned that a pedestrian access from the site into Lime Close would result in occupiers parking in the Close and walking through to the development site. However, given that the parking provision on site is acceptable in line with the Council standards I do not consider that it would be justified to oppose such pedestrian access on this ground or other crime concerns, and as Local Plan Policies seek to encourage the extension and improvement of pedestrian links.

Other matters

- 7.18 In terms of S106 matters, Officers consider that, in order to satisfactorily mitigate for the new residential development, financial contributions would be needed towards open space provision (parks and public gardens, outdoor sports facilities and children and young people); primary education; secondary education; library services; lifetime homes, fire hydrants; and a contribution of £15,000 towards transport schemes and measures in the vicinity of the site. The proposal has been assessed 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.
- 7.19 There is no requirement for affordable housing, (as per Policies HSG3 and HGS4) as the site does not propose 15 or more dwellings nor is it over 0.5 hectares. The proposal is for 14 dwellings, which is considered to sit comfortably within the plot taking into account the context of the site within the Conservation Area and adjacent to a Listed Building.
- 7.20 In respect of the potential of flooding and land contamination, the Environment Agency has raised no objections to the application. However, they do advise the imposition of conditions in respect of surface water

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drainage, soil contamination and remediation should planning permission be granted.

- 7.21 A condition to remove Part 1, Class E has been imposed, as there is concern that due to the relatively modest size of gardens and relationship with neighbours that outbuildings will give rise to an unacceptable neighbour amenity impact, and to Plots 3 and 4 could impact adversely upon the health of trees outside of the site.

8.0 Conclusion

- 8.1 To conclude, I consider that the principle of residential development is accepted at this site and the layout, scale and design is sympathetic to its context within the Conservation Area and adjacent to a listed building. The development would not create an adverse impact upon the amenity of neighbours or future occupiers nor would it create an adverse highway safety impact. The proposal has been considered with regard to the policies of the Development Plan (East of England Plan, Hertfordshire County Structure Plan and East Herts Local Plan). The balance of the considerations having regard to those policies is that planning permission should be granted subject to the conditions set out at the commencement of this report.