

Parish: HADLEIGH

Location: Land East of Grays Close

Proposal: Erection of nursing home and 8 assisted living apartments, associated facilities, parking and access (amended scheme to planning permission B/09/00126/FUL).

Applicant: Runwood Homes PLC

Case Officer: Gareth Durrant

Date for Determination: 7th May 2009

Members considered a full planning application for the erection of a care home and 8 assisted living units at this site at the meeting of the Development Committee on 6th May 2009 (Paper J14). The Committee resolved to grant planning permission following the satisfactory resolution of outstanding issues relating to proposals for foul drainage of the development and following the completion of a Planning Obligation. The Planning Obligation provided for the maintenance of the surface water drainage scheme and developer contributions to be used towards healthcare and affordable housing provision (off-site). The current application proposes a revised scheme to that which already has the benefit of planning permission.

THE SITE

1. The application site is situated off Grays Close to the north of Hadleigh. Grays Close is a short un-adopted private access road which currently serves 3 dwellings to its north-west. It is not a through route and ends close to the north corner of the application site. The site is approximately 0.7 hectares in size, has a frontage of 70 metres onto Grays Close and a maximum depth (north-west to south-east) of 103 metres. Grays Close is a private road accessed off Ramsey Road and on to Lady Lane, via Brett Avenue. The site is flat with some planting to boundaries. It is currently vacant and fenced in ('Heras' style fencing).
2. The site is outside the Hadleigh Built up area boundary as defined in the Babergh Local Plan (Alteration No.2 – 2006), but it forms part of a larger land allocation for new residential development (Local Plan Policy HS15) and Employment development (Local Plan Policy EM03).

THE PROPOSAL

3. The application proposes the erection of a single building to provide a care home with 70 bedrooms, 8 'assisted living' apartments and associated facilities. The building is proposed in an 'H' shape with two-storey accommodation provided. The heights of the different elements of the building vary, but the main elements (being also the tallest elements) have ridge heights (excluding the roof features) of 9.2 metres above finished ground levels.
4. A mix of materials are proposed to the walls of the building, including brick, render and boarding. The roof is to be clad with concrete pantiles. The doors and windows (frames) are to be constructed of powder coated aluminium.

5. The application was accompanied by;
- Design and Access Statement
 - Contamination report
 - Habitat Survey and Assessment
 - Information on Air Source Heat pumps.
 - Parking/Amenity Assessment
 - Planning/Sustainable Statement
 - A flood risk assessment (with amendments)
 - Foul Sewage Assessment (with amendments).
 - Waste Strategy

These documents can be viewed in full in advance of the meeting by prior arrangement with the case officer.

6. This application is a revised scheme to an existing planning permission for a very similar development of this site. Since granting planning permission in August 2009, the applicants have changed their policy with regard to bedroom sizes within the care home and these have been slightly enlarged. This has had an impact upon the size of building required to accommodate the development as follows;

	Proposed scheme (B/09/01031)	Approved scheme (B/09/00126/FUL)
Maximum height above finished ground levels.	9.2 metres	9 metres
Maximum depth of building	71.6 metres	68.4 metres
Maximum width of building	44.5 metres	43 metres

RELEVANT HISTORY

7. 2009 – Planning permission granted for the erection of nursing home and eight assisted living apartments, associated facilities, parking and access. Application number B/09/00126/FUL refers.
8. 2008 - Planning permission granted for the erection of 8 (no.) 2-storey dwellings with associated garages and construction of new vehicular access (Development Committee decision). Application number B/06/02146/FUL refers.

9. 1979 – Outline planning permission refused for the erection of a bungalow and garage. The site area incorporated part of the site proposed in this application, being the land immediately behind 'Hillcrest'. Planning permission was refused because the backland development proposed would be harmful to the existing layout and character (delegated decision). Application number B/79/00892/OUT refers.
10. 1978 – Outline planning permission refused for the erection of one dwelling and construction of vehicular access (onto Lady Lane). The site area included the entire site proposed in this application (with the exception of a sliver of land behind 'Hillcrest') and the land (then vacant) now occupied by 1-3 Lady Lane. Planning permission was refused for two reasons; i) inadequate visibility for the new access proposed onto Lady Lane, and ii) would prejudice a more comprehensive development of the site (delegated decision). Application number B/78/01026/OUT refers.
11. 1972 – Outline planning permission refused for the erection of 2 dwellings and access. The site area included the entire site proposed in this application (with the exception of a sliver of land behind 'Hillcrest') and the land (then vacant) now occupied by 1-3 Lady Lane. Planning permission was refused for three reasons; i) development was located outside the settlement limits, ii) there was adequate land elsewhere in the town, with planning permission, to provide the dwellings, and iii) it would set a precedent for further, undesirable ribbon development (delegated decision). Application number B/72/379/H refers.

NATIONAL GUIDANCE

12. **PPS1** (Delivering Sustainable Development)
13. **PPS3** (Housing)
14. **PPS9** (Biodiversity and Geological Conservation)
15. **PPG13** (Transport)
16. **PPG16** (Archaeology and Planning)
17. **PPS23** (Planning and pollution control)
18. **PPS25** (Development and Flood Risk)

PLANNING POLICIES

19. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan - 2008

- **SS1** Achieving Sustainable Development.
- **SS4** Towns other than Key Centres and Rural Areas.
- **SS8** The Urban Fringe
- **ENV3** Biodiversity and Earth Heritage
- **ENV7** Quality in the Built Environment.
- **ENG1** Carbon Dioxide Emissions and Energy Performance

Babergh Local Plan (Alteration No.2) 2006

- **LP01** Planning Obligations for Services, Facilities and Improvements
- **EN03** Protected Species
- **EN04** Retention of Semi-Natural Features
- **EN15** Surface Water Run-Off
- **EN18** Sewerage and Sewage Disposal
- **EN19** Contaminated Land
- **HS01** Housing Development in Towns
- **HS04** New Housing in the Countryside
- **HS08** Affordable Housing (Local Plan allocated sites and/or large developments)
- **HS10** Housing Allocations
- **HS15** Grays Close, Hadleigh (Housing Allocation)
- **HS30** Design of New Housing
- **HS39** New nursing, residential care, rest homes and sheltered housing.
- **EM03** Key Employment Sites (land to the south-east of Lady Lane and off Grays Close)
- **CR01** Landscape Quality
- **CR07** Landscaping of Development
- **CN01** Maintaining Local Distinctiveness
- **CN17** Archaeology
- **TP15** Vehicles Parking Standards

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

20. **TC** – No decision was made on this application due to the following reasons;
 - Insufficient information
 - Conflicting information
21. The reports supplied refer to water and drainage but it has been noted that they only appear to take into account rainwater and surface water and do not take into consideration the run-off from natural springs. Also the reports refer to eight dwellings on the site and make no mention of the main care home.

22. **LHA** – recommends that any permission granted should include conditions to ensure the vehicular access is properly laid out, made available, properly surfaced and retained and provided with adequate visibility.
23. **SCC (Archaeology)** - This application is in an area of high archaeological importance, situated to the west of an area known to have produced archaeological finds from several periods in a recent evaluation. This application, therefore, has the potential to likewise disturb buried archaeological deposits.
24. There are no grounds to consider refusal of planning permission in order to achieve preservation *in situ* of any important archaeological deposits and a standard condition requiring a programme of archaeological work in accordance with a written scheme of investigation to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by development.
25. **SCC (Fire and Rescue Service)** request the imposition of a condition to provide a fire hydrant to serve the proposed development and provides other advice and guidance for the benefit of the applicant/developer.
26. **EA** – Recommend conditions requiring site percolation tests and management of the surface water drainage system, note proposals for foul water drainage and suggest the development incorporates principles of sustainable construction and design.
27. **NE** – Does not wish to comment.
28. **SWT** – We have read the ecological survey report and we are satisfied with the findings of the consultant that this proposal does not appear to have any impact upon protected species or designated habitat or priority Suffolk Biodiversity Action Plan species.
29. **National Grid** – Comment that there is a medium pressure gas main crossing the site (roughly parallel to the south western boundary)
30. **Head of Contract and Asset Management (Arboriculture)** – The trees at the site are of insufficient amenity value and/or poor condition to warrant being considered a constraint on development.
31. **Environmental Health Officer** – Recommends the imposition of a planning condition to address any noise issues that may arise from the external plant and equipment (air source heating equipment).
32. **Head of Community Development (Strategic Housing)** – We do not have sufficient needs information to comment on the appropriateness of these schemes being delivered in Hadleigh. Our earlier contacts with Suffolk County Council have indicated that:
 - Their objective is to keep people independent in their own homes as long as possible.
 - They favour Very Sheltered Housing (VSH) to residential care homes – this is because VSH encourages the continued independence of occupiers.
 - They prefer providers to deliver upgraded domiciliary care services to enable people to remain in their own home rather than build new care homes.
 - They could support a scheme of up to 40 bed spaces incorporating VSH.
 - They confirmed that private schemes do not require SCC approval or funding.

REPRESENTATIONS

33. Three letters have been received from local residents objecting to the application. The issues and objections raised are summarised as follows;
- The [previous] development was viewed by many as being inappropriate, overdevelopment of the site. The increase in size shown on the amended plans must surely be unacceptable.
 - An amendment such as this is a typical ploy used by developers.
 - The larger rooms should be incorporated into the approved structure and the overall numbers of rooms reduced appropriately.
 - It would appear that Anglian Water have not yet agreed to a connection to the public sewer.
 - Since the Council's decision to allow the development, I have given considerable thought to how, in the light of sound objections, such a decision was reached. It would be a matter of great concern if decisions of this kind were made on the basis of whether any local authority can afford to fund an appeal.
 - Inadequate access to the development; access should be provided from the Hadleigh by-pass.
 - There are other suitable sites available in this area for this proposed development.
 - Concerned about increased traffic from Lady Lane, via Brett Avenue.
 - It cannot be guaranteed that staff and visitors would access the site by means other than the car.
 - Increase in noise and pollution levels.

PLANNING CONSIDERATIONS

34. The application site is situated outside the settlement boundary for Hadleigh as defined in the Local Plan. However it is formally allocated for a mixed use (residential/employment) development by Local Plan Policies HS22 and EM03. Furthermore, planning permission has already been granted for the erection of a similar development at this site and given that that planning permission is capable of being implemented, it is a material consideration to be taken into account in the determination of this latest application for a revised scheme. Accordingly, the principle of the development of the site for residential purposes and for a 70 bed care home and 8 (no) assisted living units is considered to be established and cannot be re-visited at this time. The remainder of this report will consider the criteria listed in policy HS15 (the housing allocation) and HS39 (new care homes) and explore other relevant issues, including those raised locally.

Policy HS15 (policy text included in bold type, discussion in normal type)

Approximately 16.73 hectares of land at Grays Close, Hadleigh, are allocated for a mixed-use development comprising housing, employment and open space. Approximately 4.73 hectares (excluding green/ amenity/wildlife corridors) are allocated for 145 houses. Proposals for development will incorporate:

- **retention and enhancement of the existing trees and hedgerows on the southern boundary of the site;**
35. This aspect of the policy is not directly relevant to the application site which does not straddle the southern boundary of the larger land allocation. Some planting has previously been removed from the application site. The remaining planting (remaining on the application site boundaries) will be retained and additional planting provided. The existing planting on the site does not warrant protection via the service of a Tree Preservation Order. A condition could be imposed upon any planning permission granted to secure retention of existing and provision of new planting.
- **an area of 3.5 hectares of open space to be located at the south western end of the site including a sustainable drainage system for the development;**
36. Again, this aspect of the land allocation is not directly relevant to the application site and proposals (i.e. public open space). The application proposals include provision for a sustainable surface water drainage system, and the provision and maintenance of this system could be secured via an Agreement under S106 of the Town and Country Planning Act 2009. The Town Council has expressed concerns that natural springs on the site have not been taken into the account by the applicants (i.e. within the submitted flood risk assessment). The applicant's have confirmed that the Ordnance Survey map shows no natural springs on the site, site investigations (accidentally performed as part of the site investigation for the neighbouring site) make no reference to natural springs, and the trial pit records no water. Furthermore, the Environment Agency has not referred to any natural springs at the site and are satisfied with the surface water Flood Risk Assessment.
37. The applicants have demonstrated that foul water can be appropriately disposed of via the public sewer system. The foul water calculations were undertaken on the basis of no more than 86 people being resident on the site. Accordingly, a condition should be imposed upon any planning permission granted to restrict the maximum number of residents of the scheme to 86 (the 86 person capacity is calculated as 1 person per bedroom within the care home and (up to) 2 persons per assisted living unit).
- **provision for substantial landscaping measures to create a new eastern boundary to the site, and green/amenity and wildlife corridors within the development, particularly along the route of footpath 24;**
38. The application site, although part of the Local Plan allocation, is not affected by this provision.
- **a linked network of pedestrian and cycle ways through the site linking to Grays Close, Lady Lane and Tower Mill Lane;**
39. A pedestrian/cycle link from Ramsey Road to the larger part of the housing allocation, via Grays Close was secured as part of the last planning permission for 8 dwellings (paragraph 8 above) and can also be provided as part of the current scheme. The plans indicate a pedestrian/cycle link to the remainder of the larger Local Plan allocated site along the Grays Close frontage.

providing that:

- **no more than 5 dwellings are to be served off Grays Close. The remainder of the site is to be served off a new access road from Lady Lane and a new roundabout off the Lady Lane/ Hadleigh by-pass junction; and**

40. This part of the policy is relevant to the application which proposes vehicular access via Grays Close. The application site would be the only part of the land allocation which would gain vehicular access from Grays Close (the remainder would utilise a new access directly from Lady Lane or the new roundabout junction). The figure used in the policy is indicative and the actual amount of development suitable to the site can only be assessed as part of any planning application submitted. Indeed, the indicative figure has already been surpassed by the 8 dwellings approved at this site in 2008 (paragraph 8 above) and the 70 bed/8 assisted living unit scheme approved in 2009 (paragraph 7 above).
41. The impact of the development upon the local road network (Ramsey Road and Brett Avenue in particular) would be the same as that which would be generated by the proposals for a similar care home scheme approved earlier this year (paragraph 7 above). There are no increases in numbers of care home bedrooms or assisted living units between the current and approved scheme and the number of staff/visitor/delivery vehicle movements would therefore be the same for both schemes. Furthermore, the increased use of the junction from Lady Lane into Brett Avenue is acceptable. The amount of traffic accessing care home facilities is often over-estimated. This point is illustrated by the adopted Advisory Car Parking Standards. For care homes (and similar facilities) the Standards require **maximum** parking provision of 1 car space per 3 residents and 1 car space per staff member (day shift). At Grays Close, this equates to a requirement to provide a maximum of 34 car parking spaces; the application proposes 34 spaces. By way of comparison, the approved scheme of 9 dwellings at this site would provide 26 garage/open car parking spaces.
42. The traffic impact of the proposed development is acceptable and no objections or adverse comments have been received from the Local Highway Authority on highway safety or traffic congestion grounds.
- **no more than 20 dwellings shall be completed and occupied in advance of the new roundabout access off the Hadleigh by-pass being built.**
43. This policy requirement does not apply to the application proposals which would be accessed via a self contained vehicular access off Grays Close.

Policy HS39 (policy text included in bold type, discussion in normal type)

Planning applications for nursing, residential care, rest homes and sheltered housing and extensions to such homes will be permitted provided:

- **they are in the built-up area of a Town or sustainable Village (with a range of services and facilities available);**
44. The application site is located outside (abutting) the defined built up area boundary of the town, but is part of a large mix used allocation and would be constructed on part a site allocated for new housing. Accordingly, the application complies with this part of Policy HS39.
- **in the case of sheltered housing, the proposal does not conflict with the housing policies of the Plan, including the overall level of housing growth in the policy area against which they will count;**
45. No sheltered housing is proposed.
- **the development provides an adequate amount of accommodation for warden/staff;**

46. No overnight accommodation is required for a warden/staff. Staff would work shift patterns over a 24-hour period.
- **the development incorporates usable, attractive areas of communal garden;**
47. The amount and locations of the communal garden areas are adequate and appropriate. Some local residents had previously suggested that 80% of the application site would be developed by the proposals. However, the submitted drawings do not support that contention and a much lesser proportion of the site would be developed with the building and formal areas of hardstanding (for parking and access). Furthermore there is a conservatory building which will provide an all-year round amenity space for residents. The amount of communal garden space provided for residents is adequate and there is no conflict with this aspect of the policy.
- **the development is well located in relation to local facilities;**
48. The facility is approximately 1 mile away from the Town Centre where there are a range of shops and facilities available. It is unlikely that the residents of the facility would need to or be able to personally access these facilities.
- **adequate car parking is provided in accordance with the District Council's adopted advisory standards, without intruding on communal garden areas;**
49. Car parking is provided in accordance with the adopted Standards and, in this case, the maximum number of car spaces is required and provided.
- **the internal and external layout and design meets the needs of people with mobility problems;**
50. There are no concerns in this area.
- **where permission is granted for an institutional use (Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended) the permission will be restricted to the use permitted only; and**
51. A condition could be attached to ensure the facility is used as a care home and 8 (no.) assisted living dwellings only and for no other Class C2 uses (i.e. School, college or hospital).
- **there is no detriment to road safety, residential amenity or drainage infrastructure.**
52. Surface water and foul water drainage and road safety matters are discussed elsewhere in this report (paragraphs 36, 37 and 40-42 in particular). There is a concern that proposals for a ground source heat pump equipment enclosure could give rise to concerns regarding potential adverse impacts (noise) upon the occupiers of adjacent existing dwellings and those yet to be built on the remainder of the Local Plan housing allocation. The Council's Environmental Health Officers have requested the imposition of a condition to control the location and specification of the plant required for the heating system, together with details of any mitigation measures that may be necessary. The recommendation includes provision for such a condition to be imposed. There are no other residential amenity concerns arising from the application.

Where planning permission is granted for sheltered housing, it will normally be subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990, restricting occupation to persons over 60 years of age.

53. No sheltered housing is proposed.

Other issues

Design

54. New care home facilities are normally provided in a single building in order to meet the needs of the users (level thresholds with accessible facilities) and legislative requirements (room sizes etc). In this case, the building is proposed in an 'H' shape in an attempt to reduce or hide the impact of its large footprint. The building will not form part of any existing built streetscene and will form its own vista from Ramsey Road. The bungalows in Ramsay Road back on to the south-eastern (side) boundary of the site and the 2-storey dwellings on the opposite side of Grays Close (facing towards the frontage of the application site) are well set back (20-30 metres). Accordingly, the erection of a large single building on the site, with open spaces around it, would not be harmful to the character of the area. The building is 0.2 metres taller (+2%), 3.2 metres deeper (+4.6%) and 1.5 metres wider (+3.5%) than the scheme which was granted planning permission in August 2009 and is the same in all other respects. These increases in size do not give rise to any additional concerns about impacts upon residential amenity, streetscene or general character. The design and scale of buildings proposed are acceptable.

Housing Need

55. Whilst the erection of the care home facility would mean that 8 dwellings (forming part of a site allocated for housing in the Local Plan) would not be provided. The loss of the application site to a C2 use would not prejudice the Council's overall housing targets.

Planning Gain

56. If the site were to be developed for conventional housing (as per the Local Plan allocation), the developer would be expected to provide an element of affordable housing as part of their proposals. Affordable housing is not normally required of care home/assisted living developments. In this case however the applicants have confirmed they will, in principle, provide a commuted payment to enable the affordable housing that would otherwise have been secured from the site (if developed in accordance with the Local Plan allocation) to be provided elsewhere.
57. The Suffolk PCT has requested a developer contribution to be used to mitigate the increase in demand for health services generated by the development proposals. The applicant has agreed, in principle, to provide a contribution.
58. These obligations were formally agreed as part of the S106 Agreement for the previous proposals for a care facility on this site (B/09/00126/FUL), but a fresh Agreement will be required should the Committee resolve to grant planning permission for this revised scheme.

Wildlife

59. The applicants have adequately demonstrated that wildlife interests would not be harmed by development of the site.

Energy efficiency

60. The application includes provisions to reduce the amount of energy consumed by the development and complies with the policy ENG1 of the East of England Plan 2008 in this respect.

REASONS FOR APPROVAL

61. These are subject to the completion of the legal agreement
62. The proposals for the erection of a care home and 8 (no.) assisted living units complies with the provisions of policies ENV7 and ENG1 of the East of England Plan, 2008 and policies LP01, EN04, EN15, EN18, HS08, HS15, HS30, HS39 and CN01 of the Babergh Local Plan, 2006. These policies allocate the application site for mixed use development, including housing and set out criteria to minimise potential adverse environmental effects. In particular, the policies seek to secure (inter alia) high quality designs and layouts which maintain local distinctiveness, protect amenity, secure appropriate car parking, drainage and landscaping and maximise opportunities for pedestrians. Furthermore, these policies seek to secure adequate mitigation measures, including affordable housing and health service provision. The proposed development complies with the objectives and criteria of the aforementioned policies and the Local Planning Authority is satisfied that the development can proceed in an acceptable manner without significant adverse impacts upon the scale and character of the town or the wider countryside. Furthermore, the layout, scale and design of the scheme is acceptable and the proposal would not be harmful to highway safety or traffic convenience. Appropriate mitigation has also been secured for the provision of affordable housing and health service provision.

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
 - Affordable housing (financial contribution to be used to deliver affordable housing elsewhere in the town).
 - Health contribution.
 - Surface water drainage
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the conditions, including:
 - Samples of materials
 - Landscaping including retention and protection of boundary trees and hedgerows
 - Construction management plan
 - As recommended by LHA
 - Fire Hydrants
 - Means of enclosure
 - Archaeology
 - Location and specification of the ground source heating plant and equipment (including any necessary noise mitigation).
 - Surface water drainage
 - Foul water drainage
 - Windows (obscure glass and fixed closed to first floor stairwell windows)
 - Provision of the pedestrian/cycle link
 - No change to other uses within Use Class C2 without first having gained planning permission.
 - Maximum number of residents permitted (no more than 86 – for foul water drainage reasons)

(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Chief Planning Control Officer be authorised to refuse planning permission for the following reasons (as appropriate):

- Inadequate provision for affordable housing
- Inadequate mitigation for increased demands upon local health services
- Inadequate provisions for surface water drainage