

Parish: HADLEIGH

Location: Bowls Club, Magdalen Road

Proposal: Erection of three storey residential care home with 51 No. bedrooms with ancillary facilities and associated parking, bin store and cycle parking (demolition of existing clubhouse and storage buildings and removal of existing bowling green)

Applicant: Mr John Harding, Cameron Hamilton Homes

Case Officer: Graham Chamberlain **Date for Determination:** 21 August 2009

This application is reported to committee as representations have been received which are at variance to the recommendation.

THE SITE

1. The application site comprises of the Hadleigh Bowls Club. The bowls club was founded in 1754 and has occupied the current site for 255 years. The site is located to the north east of Hadleigh Town Centre. It measures 0.22ha. Within the site there is the bowling green and a club house. The club house is a red brick building with a slate roof. To the north of the site is Guthrum Road a residential cul de sac characterised by semi detached houses. The land rises up Guthrum Road giving views across towards the High Street.
2. To the south of the site is the RNLI building and telephone exchange, a large modernist structure which adds little to the street scene. To the south of the RNLI building is the Police Station. Magdalen Road is a modern road having been put in to give relief to the High Street. The buildings along Magdalen Road are not therefore of a period style and do not follow the historic pattern of development in the town.
3. The site has good connectivity to the High Street via White Lion Court and George Street. There is limited parking to the front of the site (owned by Babergh District Council) but there is a public car park opposite the RNLI building.
4. The site is located within the Hadleigh Town Centre Conservation Area, is within an Area of High Archaeological Potential and is relatively close to a number of listed buildings (the rear of listed buildings fronting the High Street).

THE PROPOSAL

5. The proposal is to demolish and remove the existing club and erect a care home in its place. An application has been submitted to re site the bowls club in the countryside to the north of Hadleigh (B/09/00600). The current land use is D2 – Assembly and Leisure, the proposed use being C2 Residential Institutions. The main details regarding the scheme are as follows:-
 - The care home would be 2103sqm (the existing building is 127sqm)
 - It would be arranged over three floors – the third floor being in the roof space
 - The building would have 51 rooms with ancillary accommodation, offices and storage
 - It is proposed to have 30 employees over a three shift pattern
 - The site would be occupied for 24hrs a day 365days a year

- The ground floor is 973sqm, the first floor 982sqm and the second floor is 253sqm.
- There would be a residents garden measuring 19m by 10m
- The building is arranged into three wings, one facing Magdalen Road (west), a second facing 2a and 2b Guthrum Road (north) and a rear wing running north – south (same alignment as the Magdalen Road wing).

RELEVANT HISTORY

6. B/08/01943 – This was a Conservation Area Consent application to demolish the existing buildings. This application was approved with a condition stating that the building could not be demolished until an acceptable replacement building had been approved and there was a contract in place for the erection of the approved building. The existing bowls club has some merit in the street scene and conservation area but it is recognised that a sensitively designed replacement building could be an enhancement here. The condition also stops an unsightly gap in the street scene being created.
7. B/08/01942 this was also an application for a 51 bedroom care home. This application was withdrawn by the applicant following a number of concerns expressed by Officers. The scheme now submitted differs by way of the removal of roof lights from the Magdalen Road elevation, the reduction in the width of the dormer window cheeks, the introduction of brickwork piers and the installation of three chimneys to the Magdalen Road wing to brake up the ridge height. The size, scale, design and orientation of the building now under consideration is broadly the same as the withdrawn scheme.

NATIONAL GUIDANCE

8. **PPS1** (Delivering Sustainable Development)
9. **PPS3** (Housing)
10. **PPG15** (Planning and the Historic Environment)
11. **PPG16** (Archaeology and Planning)
12. **PPG13** (Transport)
13. **PPG23** (Planning and Pollution Control)

PLANNING POLICIES

14. 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 (EEP) 2008

- **ENV7** (Quality in the Built Environment)
- **SS1** (Achieving Sustainable Development)
- **ENG1** (Carbon Dioxide Emissions and Energy Performance)
- **ENV6** (Historic Environment)

Babergh Local Plan (Alteration No.2) 2006

- **LP01** (Infrastructure)
- **CN01** (Maintaining Local Distinctiveness)
- **CN06** (Conservation Areas)

- **HS39** (Special Needs Housing)
- **HS01** (Housing in Towns/Urban Areas)
- **HS27** (Housing Density)
- **HS30** (Design of New Housing)
- **HS28** (Infilling)
- **TP15** (Parking)

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

CONSULTATIONS

15. Hadleigh Town Council – Recommends approval - voting was 4 for, 3 against and 1 abstention – Officers were referred to the Town Councils previous comments *'The Town Council noted that no archaeological survey has been provided and this should take place prior to any works being undertaken. Given these are full plans it was also noted that rather than a two storey building the development is three storeys, comments were also made regarding the convergence of roads at the proposed entrance and how this would be dealt with, it was also felt the current plans would not enhance the conservation area and could, in their current form, be over development of the area. Car parking also appears to be inadequate'*.
16. Local Highway Authority – No objection subject to conditions.
17. The Environment Agency – No objection but would recommend the use of a Sustainable Drainage System, the developers should liaise with Anglian Water Limited to ensure that there is adequate water resource and sufficient capacity in the sewerage disposal system available to serve the projected size of the development and the development should incorporate principles of sustainable construction and design.
18. English Heritage – Recommends refusal of the planning application – inappropriate form, scale, layout and massing, failure to preserve or enhance the conservation area. Comments discussed in more detail below.
19. The County Archaeological Service – There are no grounds to consider refusing this application on archaeological grounds or to achieve preservation in situ. Any permission that might be granted should be subject to a PPG16, Para 30, condition to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by the development.
20. Anglian Water Service – No comments - Anglian Water has been consulted (the consultation period has now expired) and no response was received. Officers will seek the view of Anglian Water again and provide an update to members at the committee meeting.
21. The Chief Fire Officer – No objection.
22. County Council Adult Care Service – No comments received.
23. Suffolk Primary Care Trust – No comments received – The PCT has been consulted (the consultation period has now expired) and no response was received. Officers will seek the view of the PCT again and provide an update to members at the committee meeting. The PCT had responded to application B/08/01942 requesting a financial contribution to health care. Officers will confirm with the PCT whether the financial contribution is still required under this application.
24. Sports England – Object to the proposal without adequate alternative facilities being constructed and in place prior to the commencement of works for the care home.

25. BDC Contaminated Land Officer – No objection.
26. BDC Conservation Architect – Recommends refusal. The long NW elevation is not supported. A solution could be a re orientation of the massing. Also concerned about the Georgian style to the windows, if double glazed the glazing bars could be too thick.
27. BDC Waste and Sustainability Officer – Recommends refusal – lack of any information on sustainable construction or low carbon or decentralised energy generation.
28. BDC Housing – Can confirm that there is an aging population in the district but is unable to confirm whether the proposal is appropriate to the needs of the elderly and very elderly. Suggested that the County Council Adult Care Service is consulted.
29. BDC Contracts and Asset Management Division – No comments received. BDC owns the existing car park to the front of the proposed care home.

REPRESENTATIONS

30. Hadleigh Boxford Group Practice (Local Doctors Surgery) – Objects - Is concerned by the nature and scale of the proposal and lack of consultation by the applicant. The health infrastructure is not in place to deal with the increase in population. The stretch in resources will put existing patients in Hadleigh at risk.
31. Five letters of support were received from members of the bowls club (letters relate to both applications B/09/00602 and B/09/00600), the reasons given for supporting the scheme are as follows:-
 - The development will enable the bowls club to have the finances available to relocate the club to more modern facilities.
 - The existing facilities are considered to be substandard.
32. Two letters of objection were received raising the following concerns:-
 - The proposal is an over development of the site, the building should be reduced to two storeys. The proposal will result in overshadowing, overlooking and loss of privacy to 2B Guthrum Road.
 - Light to 2 Guthrum Road would be adversely affected. Five bedrooms will overlook 2 Guthrum Rd, there would be inadequate parking for visitors and staff, unreasonable disturbance from traffic, lights and noise, there would be a loss of light and sunlight.

PLANNING CONSIDERATIONS

33. The issues to be considered in relation to this application are as follows:-
 - The principle of the development
 - The impact on conservation area
 - The design and scale of the building
 - The sustainability of the proposal
 - Impact on neighbour amenity
 - Traffic and Highways
 - Contamination
 - Section 106 Agreement
 - Planning Obligations

Principal of Development

34. The site is located within the Built up Area Boundary of Hadleigh. The club house can be considered as previously developed land but the bowls green is likely to fall under the Appendix B definition in PPS3 of non-previously developed land such as
- 'Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.'*
35. The site is located close to the High Street and is therefore considered a sustainable location. The sustainable location needs to be balanced against the fact that part of the site has not been previously developed and its current role as a sports facility.
36. PPG17 is the national planning document regarding planning for sport and recreation (as well as open space). PPG17 states that sports facilities should be well located to enable people to walk to and/or arrive at the site via public transport. The existing bowls club is well sited being in the town centre giving users of the facility travel options. PPG17 also states that existing facilities should be retained and enhanced. The net loss of sport and leisure facilities is not supported.
37. Where a new development would have an impact on an existing sports facility, a solution can be to find an alternative site which enables the existing sports facility to be relocated. The new site should be as accessible, and should be comparable in terms of quantity and quality.
38. To this end the applicants have identified a possible new site for the bowls club in the countryside to the north of Hadleigh along Stone Street. A separate application has been submitted for a new bowls club, application B/09/00600. Unfortunately there are a number of concerns with the site identified, these are the principle of the development, its accessibility, the design and layout and the impact on the Special Landscape Area (please see the Committee report relating to application B/09/00600 which is also on the Committee schedule). That application has consequently been recommended for refusal.
39. Sports England have stated that they would not support the principle of the proposed development unless an acceptable alternative facility can be identified and provided prior to the care home (so that there is no loss, all be it temporarily, of the sports facility). As the applicants have yet to secure an acceptable, alternative site for the bowls club, Sports England's comments are taken as an objection. Officers support this view. The sustainable location of the site does not outweigh the fact that a sustainably located sports facility would be lost if the development were to be approved and the application for a revised siting of the bowls club refused. As the application for the revised site of the bowls club is unacceptable, the principle of the care home is also unacceptable.
40. Officers appreciate that the concept of the scheme could have merit. A new, improved bowls club could be provided and a care home located in a sustainable town centre location. To look at it solely along these lines however, is far too simplistic. The premature of the application has meant that a significant number of issues have not been addressed rendering both schemes as unacceptable.

Impact on Conservation Area

41. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) imposes a duty on Local Planning Authorities (LPA) to designate as Conservation Areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. The bowls club site has been assessed by the Council and included in the Town Centre Conservation Area due to the sites contribution to the setting and appearance of the area. The existing bowls club building also has some merit in isolation.

42. PPG15 and Section 72 of the Act require LPAs to pay special attention to the preservation or enhancement of a Conservation Area when making planning decisions (Para 2.12 PPG15). Therefore future development in the Hadleigh Conservation Area needs to be assessed with regard to whether it preserves the high quality of the conservation area (as a whole not just this part), by having no adverse impact on the above average character, or enhances it by having a positive impact. These are the primary considerations when assessing development in a Conservation Area.
43. PPG15 is the national guidance relating to Conservation Areas. It states that 'It is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas.... our experience of a historic area depends on....the historic layout of property boundaries and thoroughfares; on a particular 'mix' of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings (and) on vistas along streets and between buildings' (Para 4.4). The document goes on to state that the new buildings should be carefully designed to respect their setting by following fundamental architectural principles of scale, height, massing and alignment, and the use appropriate materials (Para 2.14).
44. This guidance is reiterated in the East of England Plan and Policy CN08 of the Babergh District Local Plan which requires new development in a Conservation Areas to preserve or enhance it, retain elements or components which add to the special character of the area and be of an appropriate scale, form and design using appropriate materials. Policy CN01 of the Local Plan requires new development to maintain Local Distinctiveness.
45. The Planning Policy position is therefore clear, new development in a Conservation Area should be of high quality, should have no harmful impact and should either maintain the above average character or enhance it. Therefore, when assessing the acceptability of the proposed care home, regard must be had to whether it is of sufficient quality for a conservation area (in terms of scale, layout, appearance, contribution to the setting etc...), or whether it harms that conservation area.
46. As the site is over 1000sqm and is within a Conservation Area, the Council is required to consult English Heritage. English Heritage is the national heritage watchdog. The opinion of English Heritage is highly significant and should be given considerable weight in the determination of an application which impacts on the nation's heritage.
47. English Heritage have recommended refusal of the application. The main reasons for the recommendation to refuse are as follows:-
 - The site is within Hadleigh Conservation Area where there has recently been an appraisal (the sites inclusion in the conservation area has therefore recently been appraised).
 - The existing building and brick wall contribute to the street scene. The possibility of retaining the existing buildings in the scheme should be fully explored. However it is noted that the sensitive development of the site might enhance the conservation area.
 - English Heritage do not consider that the submitted proposal is appropriate in terms of form, massing, overall bulk, and the resultant silhouette (shape of the building), especially with regards to the roof lines. The care home scheme is perhaps too large to be successfully integrated into the site.
 - The footprint of the building block appears excessive for the site; there is very little space around the building. This gives the building the appearance of a single block, rather than a group of elements.
 - The massing does use traditional forms but the roof spans are too deep compared to roofs found in the nearby historic centre (a steeper pitch would be more in keeping rather than the valley form to the gable ends)

- The adherence to a central corridor layout and the insistence on using some of the roof space for rooms gives the overall impression of considerable bulk – especially from the south east.
 - The accommodation as proposed would not be an elegant solution which preserves or enhances the wider setting
 - The northwest and northeast elevations still have no chimneys, and these ridges are unbroken, emphasising the uncharacteristic bulk
48. The English Heritage comments are much the same as submitted under B/08/01942. They are still of the opinion that the scheme has a number of significant defects and the minor alterations between B/08/01942 and B/09/00602 have not addressed the fundamental concerns of layout, massing, scale and density.
49. Officers support the views of English Heritage. Officers appreciate that the scheme is not without some merit. The Magdalen Road elevation echoes the White Lion Court development opposite with the use of sash windows and brick. Officers welcome the period style approach, as this is the most appropriate for the conservation area. The chimneys on the Magdalen Road elevation help to break the ridge height and the dormer windows are in proportion to the roof plane. The brick work is broken up with piers and the symmetry of the Magdalen Road elevation gives pleasing proportions. The concern with the Magdalen Road elevation is the massing, particularly the height. The building has taken its point of reference from the highest and arguable most unattractive building in the street scene, the telephone exchange, rather than the predominant character of the area. The predominant character of the area (and Conservation Area) is two storey buildings. This enables the scale of buildings to blend in with one another. The massing of the scheme would appear at odds with the scale of the dwellings in White Lion Court, Guthrum Road and the wider conservation area.
50. The layout of the building is also confused, with the main entrance being in the side elevation facing 2a and 2b Guthrum Road. The building would relate better to the public realm if the main entrance was off Magdalen Road it would give the building an orientation which reflects those surrounding it. As it stands it is unclear whether the Magdalen Road elevation is the front/primary elevation, or a side elevation.
51. Another significant concern is with the flank elevation of the proposal which faces north towards the rear of 2a and 2b Guthrum Road. The depth of the plot is approximately 50m, the depth of this elevation at three storeys is 37m. The massing and visual scale of this part of the scheme will appear excessive and out of proportion with the size of the plot and the block facing Magdalen Road. Another problem with this elevation is the depth of the span of the gable necessitating the valley roof. The valley roof is a contrived feature as the applicants are relying on a central corridor and do not want the ridge height to be even greater than proposed. The knock on effect is that the buildings massing will appear excessive.
52. The size of the plot is 0.22ha (2200sqm), the footprint of the building is approximately 975sqm. The footprint of the building is excessive spanning the depth and width of the site. This with the excessive depth of the north elevation, the three storey appearance, confused layout and orientation, and contrived design details such as the span of the gable ends together give the building the impression that it is too large for the site. It would be unduly dominant in the street scene and would be an over development. It would consequently be harmful to the Hadleigh Conservation area being contrary to Policy CN08 which requires new buildings to be of an appropriate scale which harmonises with the setting of the area.

Design, Layout and Impact on Character

53. The proposal is to all intense and purposes a residential infill development. Therefore it is correct to assess it against the principles and content of Policies HS28 and HS30 of the Local Plan.
54. Policy HS30 states that all new residential development shall be of a high standard of layout and design; this is reiterated in Policies HS28 and CN01 which requires all new development to be of an appropriate scale, form, design and finish. Policy ENV7 of the EEP states that all new development should be of high quality and based on a robust site appraisal. PPS3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in PPS1 which places design towards the centre of the planning system (Paragraph 34) stating that development which fails to improve the quality and character of the area should not be supported.
55. Policy HS28 of the Local Plan specifically relates to residential infill development such as that proposed. It states that planning permission will be refused if the:-
- The site should remain undeveloped
 - The proposal represents over development
 - The layout provides unreasonable standards of privacy, garden size and amenity
 - The proposal would be of a scale, density or form which would be out of keeping with the surrounding area.
56. As stated above, the existing building is of some merit, but its loss can be tolerated if a sensitive scheme replaces it. The proposed care home is not considered to be a sensitive scheme for the reasons outlined above – particularly the scale and massing. Furthermore Officers consider it to be an over development of the site for the following reasons:-
- If the bedrooms are assessed as if they were units of accommodation, the density of the scheme would be 231dph. Although the site is a town centre location, this is excessive. This assessment needs to be considered with caution as the bedrooms are not individual units of accommodation however the assessment is an indicator. This along with the depth, height (including a large roof void) footprint, massing, width and over all scale results in an over development of the site.
 - The building is out of scale with the predominant character of the area.
 - The layout of the parking is such that it is all adjacent to the rear gardens of 2a and 2b Guthrum Road, as are the bins and access.
 - There is no room for landscaping on the boundaries of the development.
 - The garden area is also flanked on three sides by the building and the forth side faces the telephone exchange. The space is narrow, being only approximately 11m. The garden and terrace is unlikely to get high levels of light due to the size and massing of the building.
 - There are also concerns with regards to the impact on neighbour amenity by way of over looking – this is discussed in more detail below. The over sized scale of the building would result in an unreasonable impact on neighbours; this is discussed below but is an indicator of over development.
57. The combination of these factors leads to the conclusion that the proposal represents a harmful over development of the site which is unacceptable regardless of the conservation area status. The fact that the site is in a conservation area compounds the harm. For the reasons above, the proposal is considered to be a harmful over development of the site contrary to Policy HS28 of the Local Plan and guidance in PPS1.

58. The overall scale and form of the building would result in a harmful addition to the street scene. The development would be unduly dominant and incongruous in a very prominent location. It is a missed opportunity to deliver a sensitive infill development. The development as proposed would not be of a high standard of layout and design (Policy HS30) would be of a scale and form out of keeping with adjacent buildings (Policy HS28) and represents an over development of the site (Policy HS28). The proposal is therefore recommended for refusal.

Energy and Sustainable Construction

59. Policy EN09 of the Local Plan states that development should be designed to a high sustainable development standard. The policy states that factors which need to be addressed are alternative and renewable energy and the efficient use of energy and materials, including renewable and recycled materials that do not have adverse environmental impacts. Policy EN13 states that proposals must incorporate measures for the conservation and efficient use of water. This is reiterated in PPS1 and its supporting document on climate change.
60. Policy ENG1 of the East of England Plan is part of the development plan. This policy is a material consideration is assessing any applications. The Policy requires the following:-
- 'Local authorities should...encourage the supply of energy from decentralised, renewable and low carbon energy sources and through Development Plan Documents set ambitious but viable proportions of the energy supply of new development to be secured from such sources and the development thresholds to which such targets would apply. In the interim, before targets are set in Development Plan Documents, new development of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable;'*
61. Babergh has no specific policy which sets the proportion of energy supplied from such sources. Therefore Babergh should follow the interim approach set out above.
62. The applicants were made aware of this policy and its requirements prior to the submission of the application. The application was made without any supporting information with regards to this issue. Officers would expect to see an energy statement which looks at what energy the building will need, identify what 10% of this is and then review the available technologies to see what is best in terms of performance and what is best for the site. It may be that the applicants can provide more than 10%. If renewables or low carbon sources are unviable, the applicant needs to demonstrate this.
63. The Councils Waste and Sustainability Officer has recommended refusal in the absence of this information. The development is of a significant size, it should be able to address energy and sustainable construction.
64. The complete failure to address this issue is a very significant short coming, regardless of the other issues. It can not be conditioned. To meet the 10% requirement it is likely that the design will need to be altered in some way rendering any condition ultra virus. Furthermore, this is not something that can just be 'tagged on'. It needs a robust assessment and should have been integral to the design. For example the provision of a micro Combined Heat and Power plant or biomass boiler could have been explored.

Impact on neighbour amenity

65. The impact on neighbours is a concern. The main area of concern with regards to neighbour amenity is the impact by way of over looking, over bearing and noise and disturbance.
66. The street scene elevation shows that the distance between the rear elevation of 2a and 2b Guthrum Road and the proposed flank elevation of the care home is 19m and 18m respectively. It is common practice to expect at least a minimum of 21m between windows. The care home proposes 7 bedrooms at first floor, and a quiet lounge, along this elevation. All of the bedrooms are single aspect with windows facing 2a and 2b Guthrum Road. The entire garden space and rear elevations of these properties would be over looked from the care home. There is also a bedroom and roof lights windows in the kitchen on the second floor. The feeling of being constantly over looking, along with the limited depth of the gardens and the distance between buildings, results in an unreasonable relationship between the care home and these properties. The impact on 2 Guthrum Road is also considered to be unreasonable by way of over looking. Again due to the shallow depth of the garden, the distance between properties and the number of first floor window. The distance between the proposed care home and other properties in Guthrum Road is greater, the land also rises up. Therefore the relationship with these other properties is not unreasonable.
67. The north/north east elevation of the care home has a depth of 37m back from Magdalen Road. This would run continuously along the rear elevation of the 2a and 2b Guthrum Road. This depth, the three storey height and the shallow depth of the gardens will result in a loss of outlook and an over bearing appearance. The massing of this elevation is considerable. The impact would be uncomfortable and unreasonable and would prejudice the reasonable enjoyment of 2a and 2b Guthrum road by their occupants.
68. The third area of concern is noise and disturbance. All 10 parking spaces, the bin store and the main entrance are located on the boundary with 2a and 2b Guthrum Road. There is no space for landscaping on the care home side of the boundary. The care home will also be in operation 24 hrs a day, 365 days a year with a three shift pattern. The comings and goings would be to the rear of the gardens and properties in Guthrum Road. The noise from traffic, staff and residents would be unreasonable due to the close proximity of the gardens, dwellings and access. The existing bowls club is likely to have an impact on residential amenity, but it is not 24hrs a day, 365 days a year. Due to the layout and relationship with neighbour properties, the intensification of activity would be harmful to residential amenity.
69. Due to the unreasonable impact on residential amenity, the proposal is contrary to Local Plan Policies HS28, HS39. The adverse impact is effectively caused by the over development of the site.

Provision of Care Homes

70. Local Plan policy HS39 relates to the provision of new care homes. The proposal complies in part with this policy:-
- The proposal is within the built up area of a town.
 - The proposal does not conflict with housing policies (the site is not allocated in the local plan for housing)
 - The floor plans do not show any staff accommodation, the unit will function using shifts so there will be a constant presence within the building.
 - A garden has been provided but there are concerns about how attractive and useable it is given that it is flank by three storey buildings on all sides. The light and attractiveness of this space will be compromised.
 - The development is well located in relation to local facilities

- The Local Highway Authority has raised no objection with regards to the level of parking
 - The design meets the needs of people with mobility problems
 - The use class and an age restriction can be delivered via a s106 legal agreement.
 - There is no detrimental impact on road safety (no objection for the Local Highway authority), Officers are awaiting confirmation from Angina Water with regards to the sewage. This is a concern with regards to the impact on residential amenity (see above).
71. There are concerns with relation to the usability and attractiveness of the open space and the impact on residential amenity. The proposal fails these parts of Policy HS39.

Highways and Parking

72. Concerns have been raised regarding the highway safety issue and parking arrangements. The Local Highway Authority has not objected to the scheme. Consequently, Officers do not recommend a refusal on this issue. Adequate viability splays are identified on the drawings, as is parking. There is a car park across the road.

Open Space

73. An open space contribution is not required as the scheme is not for housing in the traditional sense.

Contamination

74. The information submitted is sufficient to ensure that there is not an unreasonable risk from potential contaminants

Planning Obligations

75. When commenting on application B/08/01942 the PCT had requested a financial contribution towards health care. At the time of writing Officers are seeking confirmation from the PCT as to whether or not this still applies. At the pre application stage the applicants were advised that a health care contribution was likely to be required. There is no information in the submission addressing this.
76. As the application is unacceptable for a number of other reasons it is unreasonable to require the applicants to spend money and time entering into a legal agreement for an application which Officers are recommending for refusal. It must also be borne in mind that this issue could and should have been addressed prior to the submission of the application.
77. A Section 106 Agreement would also need to address the issue of an alternative bowls club facility, ensuring that this is built and running prior to the commencement of works on the care home – this would ensure that the bowls club facility is not lost, even for a temporary period.
78. A Section 106 legal agreement would also need to restrict the use of the building to C2 and to the over 60s, a requirement of Policy HS39.
79. The applicant has not submitted head of terms, or evidence of title (including title for 2a Guthrum Road). The application could have been made invalid under the Local Validation List requirements to enable Officers to seek this information. However as the proposal is being recommended for refusal, it is unreasonable to delay the application for this information. The applicants had also requested that the application be reported to the first available committee meeting.

80. In the absence of a binding legal agreement the application is recommended for refusal. The proposal would put unacceptable pressure on local health care infrastructure and there is no mechanism to secure the provision of an alternative bowls club facility, contrary to Policy LP01.

CONCLUSION

81. The proposal is unacceptable in principle due to the lack of a suitable alternative bowls club facility, it would harm the conservation area by virtue of its scale, massing and visual dominance, for this reason the design is unacceptable, the proposal is also an over development of the site harmful to residential amenity, the street scene and character of the area. No provision has been made for a Section 106 Agreement, in particular for health care infrastructure. The garden space within the development is unattractive due to the loss of light that will occur due to the orientation and scale of the building. The proposal has also completely failed to address sustainable construction and energy generation. For these reasons the proposal is contrary to national guidance in PPG17, PPS1 and PPG15, East of England Policies ENV6, ENG1 and ENV7, Local Plan Policies CN01, CN08, HS30, HS28, HS27, HS01, HS39 and LP01. The proposal has been found to be contrary to the development plan; and is accordingly recommended for refusal.

RECOMMENDATION

Refuse planning permission for the following reasons

- (1) Loss of a sports facility without an adequate alternative of comparable quantity, quality and accessibility (contrary to PPG17).
- (2) Adverse impact on the Conservation Area (Contrary to PPG15 and Local Plan Policy CN08 and EEP ENV6).
- (3) Design and layout being an over development and harmful to the street scene (Contrary to PPS1, Local Plan Policies CN01, HS30, HS28, HS27, HS01 and EEP ENV7).
- (4) Failure to address sustainable construction and renewable energy (Contrary to PPS1 and Local Plan Policies EN09 and EN13 and EEP Policy ENG1).
- (5) Impact on neighbour amenity (Contrary to Local Plan Policies HS28, HS39).
- (6) Lack of a s106 Agreement relating to healthcare, alternative sports facilities and restricting the use class and age of occupants (LP01, PPG17, Local Plan Policy HS39).