

## AGENDA ITEM NO: 9/1(d)

<b>Parish:</b>	<b>Marshland St James</b>	
<b>Proposal:</b>	<b>Development of the land to erect a part two and single storey acquired brain injury unit. The proposal includes the demolition of bungalow, external landscaping and car park</b>	
<b>Location:</b>	<b>Hickathrift Too 211 Smeeth Road Marshland St James Wisbech</b>	
<b>Applicant:</b>	<b>Swanton Care And Community Ltd</b>	
<b>Case No:</b>	<b>16/00778/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs H Wood-Handy</b>	<b>Date for Determination: 25 July 2016 Extension of Time Expiry Date: 7 October 2016</b>

**Reasons for Referral to Planning Committee** – The views of Marshland St James Parish Council are contrary to the Officer recommendation.

### Case Summary

The site is located to the rear of Hickathrift House located at the corner of School Road and The Smeeth, Marshland St James.

The proposal is for an Acquired Brain Injury Unit including 30 bed wards with ancillary accommodation and 10 independent living apartments. The development would comprise of two storey and single storey development, landscaping, parking and servicing areas. Access would be gained directly from The Smeeth with demolition of an existing bungalow.

### Key Issues

Principle of development  
Design and form and character  
Neighbour amenity  
Highways  
Flood risk  
Any other matters requiring consideration prior to the determination of the application

### Recommendation

**APPROVE**

## THE APPLICATION

The site is located to the rear of Hickathrift House located at the corner of School Road and The Smeeth, Marshland St James.

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## **SUPPORTING CASE**

The New C2 Class Use Building proposal includes the demolition of bungalow, external landscaping and car park to provide 3 x 10 bed Units and 10 Individual Apartments Acquired Brain Injury Specialist Rehabilitation and Recovery Facility.

Swanton Care and Community (SCC) was a subsidiary within the Barchester Healthcare Company (BHC) until September 2014. This is why Swanton now owns land adjacent to the existing Hickathrift care home.

We have provided additional information on the nature of the proposed use and submitted a revised site plan to respond to the request for a more open fencing treatment along the border with Hickathrift House.

With our application we have considered and addressed issues raised as part of the consultation process, as follows:

- The facility provides a homely and supportive environment for service users, with Acquired Brain Injury, Motor Neurone Disease, Huntington's Disease, Multiple Sclerosis, Physical Disabilities who are leaving other more clinical and acute services.
- Structured rehabilitation is the main focus of care and treatment in this setting. The amount of the development has been designed to assist the model of care with a gross internal area of 2,504sqm.
- The proposed development is accessible from 211 Smeeth Road with parking for 31 vehicles integrated within the landscape proposal for minimal visual impact.
- The buildings' volumes, largely screened by existing conifers, are limited in scale and their design has been developed to ensure that the visual impact to the surrounding properties is minimised.
- The proposed layout is designed to offer interesting views of the surrounding landscaped garden from bedrooms and lounge/dining areas facing south. The internal floor layout of the building has been designed with open plan areas which are light and airy and provide a high quality living environment.
- The new buildings' orientation and distance from residential properties is designed to overcome overlooking issues or significant loss of light to the adjacent buildings.
- The external artificial lighting scheme is designed to support the residents' circadian rhythm integrating the landscape scheme with low level lighting for the proposed footpaths leading to the building entrance.
- Materials have been selected to respect the local architecture of the context yet introducing an innovative take in the use and proportion of the proposed materials to express the building form.

- The external treatment of the buildings is sympathetic to the site and surrounding area. The building contributes to a welcoming, friendly and reassuring environment.
- The surface water drainage disposal systems of the site are yet to be designed in detail and will be subject to conditions. There are several locations within the design layout of the development to provide SuDs installations with the accepting storage for the volumes created to ensure that surface water runoff is retained on site where ever possible. The foul water runoff is being discharged to the existing system which is being upgraded to accept the increased discharges created by the unit.

## PLANNING HISTORY

11/1863/EXFM – Extension of time for the implementation of Planning Permission Reference 08/02527/FM: Extension to provide an additional 20 bedrooms – Delegated – 26.04.12

08/02527/FM – Extension to provide an additional 20 bedrooms – Approved 18.02.2009 – Delegated decision.

07/ 01909/F – Construction of two day rooms following demolition of existing sun lounge and conservatory – Approved 22.11.07 - Delegated

07/01026/F – Construction of 2 units to provide care/independent living accommodation for adults with complex needs and erection of garden shed – Refused – 08.10.07 - Committee

07/1014/F – Construction of substation – non-determined

2/03/1375/O – Site for construction of residential development for elderly inc. administration centre – Withdrawn 25.09.06

2/99/0581/F – Extension of residential care home and construction of caravan users amenity block – Approved – 4.11.99 – Delegated.

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** on the following grounds:

- Lack of clarification and errors within the application;
- Disamenity to neighbours
- Construction materials out of keeping with the local area;
- The access and egress of the site should be looked into.

**Highways Authority:** Queries the sustainability of the location, however, **NO OBJECTION** on highway safety grounds subject to the following conditions – vehicular access details and parking.

**Environment Agency: NO OBJECTION** regarding the FRA subject to being constructed in accordance with the FRA (finished floor levels) and foul drainage details.

**Internal Drainage Board:** The proposal will require IDB Byelaw consent. However, **NO OBJECTION** subject to conditions regarding surface water drainage.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions regarding contamination investigation and remediation and a construction environmental management plan.

**Central Services – CSNN:** Following receipt of further information, **NO OBJECTION** subject to conditions regarding foul and surface water drainage and noise protection.

**Arboricultural Officer: NO OBJECTION** subject to retention and protection of conifer screening (verbal)

**Emergency Planning Officer:** Provides advice regarding EA Floodline Warnings Direct and flood evacuation plan during construction and post construction.

## **REPRESENTATIONS**

**TWENTY SIX** letters of **OBJECTION** (including duplicate letters to Cllr Long) and a Petition with **SIXTEEN** signatures regarding the following:

- Wrong location for the development adjacent to the school and residential properties;
- Not a sustainable location – not located near major routes;
- No shop or services within the village and no public transport (other than school/college bus and community transport);
- Two storey development will result in overlooking of bungalows;
- Increase in noise and disturbance;
- Devaluation of property;
- Increase in traffic on poor road network (deliveries and staff);
- Highway safety issues with access close to crossroads and 40mph limit;
- Increase in light pollution;
- Full waste disposal details required;
- Inaccuracies within D & A and supporting statement;
- Will increase pressure on existing Doctors surgeries;
- Size of building would be overbearing;
- Surface water flooding issues in the locality;
- Conifer hedge at the centre of the site will be damaged;
- Will create on-street parking issues.

## **NATIONAL GUIDANCE**

**National Planning Policy Framework** – sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **OTHER GUIDANCE**

Marshland St James Parish Plan

## **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of development
- Design and form and character
- Neighbour amenity
- Highways
- Flood risk
- Any other matters requiring consideration prior to the determination of the application

### **Principle of Development**

Marshland St James is defined as a Rural Village by Policy CS02 of the Core Strategy 2011 where limited minor development will be permitted which meets the needs of settlements and helps to sustain existing services. Policy CS06 states that development will be permitted to meet local needs and maintain the vitality of these communities where this can be achieved in a sustainable manner, particularly with regard to accessibility to housing, employment, services and markets without detriment to the character and appearance of the surrounding area or landscape. Policy CS10 allows for employment generating uses outside development boundaries that are appropriate in scale, adjacent to the settlement and would not be detrimental to the local environment or residents. Policy CS13 allows for the provision of healthcare/care home facilities.

Planning permission has previously been granted on the site in 2008 and 2012 respectively for the erection of a 20 bedroom extension and ancillary development to Hickathrift House with the demolition of an existing bungalow and provision of a new access. This development was not implemented. The current applicant was part of the Barchester Healthcare Company until 2014 when the companies split (although maintaining links) and Barchester retained Hickathrift House and Swanton retained the application site. Notwithstanding the ownership issues, the principle of care homes on this site has been previously established and is acceptable in principle as an employment generator and healthcare/community facility in West Norfolk.

### **Design and form and form and character**

The proposal comprises a two storey and single storey main unit incorporating:

- A 10 bed unit on the first floor for intensive care;
- 2 x 10 bed units on the ground floor for step down care;
- 6 x 1 bed apartments and 4 studio apartments to regain daily living skills
- A central hub provided for visitors, staff and maintenance;
- Landscaping and parking areas.

The site is surrounded by 8m high conifer hedging to the north, east and south boundaries all of which are shown to be retained and can be secured by condition. Inset from the west boundary is an 8m high section of conifer hedging which is also shown to be retained.

The two storey section of development has been designed so that it would be in the northern section of the site, which combined with existing screening, would have least impact on the street scene and surrounding properties. It would have a max height of approx. 10.3m with subservient single storey elements of approx. 6.2m. The separate single storey apartments would be approx. 5.7m. There would be balcony areas to the east, west and south elevations. The development would be constructed in yellow stock brick, vertical Cedral click weather boarding in dark oak timber and Marley eternity grey slate roof and grey upvc windows/doors, the details of which would be secured. Visually, the structure would be simple in form and given its setting, would not adversely affect the form and character of the locality. The proposal would comply with Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocation and Development Management Policies Document 2015.

### **Neighbour amenity**

The two storey elements are located in the northern half of the site with approximate distances to the west boundary (where existing bungalows are located) in excess of 30m and in excess of 50m to the rear elevations of the bungalows. The site slopes from west to east with surrounding ground levels between 2.2m – 2.5m to the west boundary. The two storey element would be set 500mm above the average level of 1.7m at 2.2m ssl (2.4m ffl) which is not incompatible with the surroundings. The independent support units in the south of the site would be set at 500mm above the average surrounding ground level (1.5m) at 2.00m ssl (2.2m ffl). As stated above, existing screening would be retained where possible and conditioned accordingly. Having taken advice from the Arboricultural Officer, there is no reason why the retained conifers would be harmed with adequate protection during construction. It is considered that at these distances and combined with retained screening, the development would not adversely affect the privacy of neighbours.

With regard to noise and disturbance, the proposed access (tarmac road) would be located between Hickathrift House and 209 Smeeth Road.

The principle of this access has been previously established via the 2008 and 2012 consents. The service road would then swing to the north behind the Smeeth Road bungalows (separation of approx. 8m between existing boundaries and the access road) and spur off to the centre of the site, servicing parking areas. A further spur would lead north for service vehicles with bin collection points. To the north of the site is an existing haulage yard. However, in order to prevent noise and disturbance to neighbours, the exact location of refuse collection/bin stores, hours of delivery, lighting scheme, plant and machinery may be agreed via conditions. Further, a construction environmental management plan can be secured via condition during the construction stage.

Given the previously considered acceptable uses on the site, the proposed development is not considered to give rise to conditions so detrimental to neighbour amenity to warrant refusal. The proposal complies with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Document 2015.

## **Highways**

The access would be located off Smeeth Road. Notwithstanding highway safety concerns raised by Third Parties, no objection has been raised by the Local Highway Authority on highways safety grounds regarding the detail of the access or the proximity of the junction to the Hickathrift crossroads (Smeeth/School Road).

Issues have been raised with regard to sustainability of the scheme in terms of its location. The Applicant has advanced that the site would provide a regional resource for specialist neurological rehabilitation services to the Queen Elizabeth Hospital, Addenbrookes, Norfolk and Norwich, Peterborough and United Lincolnshire Hospitals. It has been selected as a result of its central location to the aforementioned hospitals as well as the fact that they own the land.

It is acknowledged that the site will be heavily reliant on the private car and there are inconsistencies in the supporting information with regard to where patients will be coming from. However this area is already heavily reliant on this form of transport with the lack of public bus routes in the rural locality. It is considered that the benefits of providing specialist healthcare facilities and bringing an additional employment use to the locality outweigh the harm.

The Local Highway Authority raises no objection subject to conditions regarding the provision of access to highways standard and retention of parking/turning/servicing areas. The proposal complies with Policy CS11 of the Core Strategy 2011 and Policy DM17 of the Site Allocations and Development Management Policies Document 2015.

## **Flood risk**

In relation to flood risk, the site is located in a Flood Zone 3 area as defined by the Council's Strategic Flood Risk Assessment 2009. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Planning Authorities should apply a sequential, risk based approach to assessing development by applying the Sequential Test and where necessary, applying the Exception Test. In this case, the proposal is for a community facility/service and employment generator in a rural village, which is determined as being a sustainable location. There are no reasonably alternative sites within a lesser flood zone as the whole of Marshland St James is in Flood Zone 3.

As a result, the proposal passes the Sequential Test. In terms of flood risk vulnerability, the proposal is a “more vulnerable” use and therefore the Exception Test should be applied. In order for the Exception test to be passed, it should be demonstrated that:

- The development provides wider sustainability benefits to the community that outweigh flood risk
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this case, the proposal provides wider sustainability benefits to the community as an employment generator and provider of specific accommodation for people with injury/disability and subsequent rehabilitation. The Flood Risk Assessment submitted as part of the proposal demonstrates that the development will be safe and satisfies the Environment Agency subject to a condition regarding finished floor levels being set a minimum of 2.20m AOD (above Ordnance Datum).

With regard to surface water drainage, SuDs are proposed in line with the drainage hierarchy. The Applicant proposes the adoption of a system of plot infiltration utilising crated soakaways combined with the use of swales and retention basins which in principle would be acceptable. Third Party comments regarding localised surface water flooding are noted along with the comments of the IDB and CSNN and thus full details of SuDS/surface water drainage across the site can be conditioned to secure a satisfactory scheme.

With regard to foul water, the Applicant proposes to utilise and upgrade the existing septic tank which is similar to the proposal approved in 2008/2012 respectively. However, there is foul mains sewerage along Smeeth Road and School Road. At this stage, the EA consider that there is a lack of justification for the proposed foul drainage solution and that the Applicant would be unlikely to qualify for an Environmental Permit (or exemption from the required for one). As a result, a foul drainage condition is recommended to secure a satisfactory solution

#### **Any other matters requiring consideration prior to the determination of the application**

Environmental Quality raises no objection subject to conditions regarding contamination investigation and remediation and the provision of a construction environmental management plan.

The comments of the Parish Council and Third party issues have been addressed above. Devaluation is not a material planning consideration.

#### **Crime and Disorder**

The application raises no issues regarding crime and disorder.

#### **CONCLUSION**

The proposal is for the provision of specialist neurological rehabilitation services adjacent to an existing residential care home. Whilst it is noted that the proposal will be heavily car reliant and there are limited services in the locality, the benefits of providing community care for the wider community combined with being an employment generator outweigh the harm.



The development is safe on flood risk grounds and there are no objections from statutory consultees. The development has been designed so as to have a minimal impact on neighbours and conditions would be imposed to protect residents from noise and disturbance. The development would be well screened and the design and appearance of the unit would not adversely affect the visual amenities of the locality or the wider countryside. On this basis, the proposal is considered acceptable and complies with the NPPF, Policies CS01, CS02, CS06, CS08, CS10, CS11, CS12 and CS13 of the Core Strategy 2011 and Policies DM15 and DM17 of the Site Allocations and Development Management Policies Document 2015.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 2 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 3 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 3 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 4 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 4 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

- 5 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 5 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 6 Condition The existing conifer trees/hedgerows identified on Dwg PL\_02 Rev I shall be retained at a height not less than 8m.
- 6 Reason In the interests of the privacy and amenity of neighbours and the visual amenity of the locality as a whole in accordance with Policy CS08 and CS12 of the Core Strategy 2011.
- 7 Condition The development hereby permitted shall be carried out in complete accordance with the approved Flood Risk Assessment (submitted 30 March 2016) and the following mitigation measure detailed within the FRA:
- Finished floor levels will be set at a minimum of 2.20m AOD (above Ordnance Datum)
- 7 Reason To reduce the risk of flooding in extreme circumstances in accordance with the NPPF and Policy CS08 of the Core Strategy 2011.
- 8 Condition No development shall commence until full details of the foul and surface water drainage arrangements (including SuDS) for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 8 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 9 Condition Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan Dwg PL\_02 Rev I in accordance with the highway specification drawing No: TRAD 1. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 9 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 10 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 10 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 11 Condition Prior to the commencement of development, a detailed construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed timescales and hours of construction and shall also specify the sound power levels of the equipment, their location and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented in accordance with the details agreed.
- 11 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF. This needs to be a pre-commencement given the need to ensure that potential noise and disturbance to neighbours is fully dealt with at the outset of development
- 12 Condition No development above foundation level shall take place on site until a scheme to protect the existing residents from noise (including hours of delivery, plant/machinery/extraction systems) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 12 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 13 Condition Prior to the first occupation of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 13 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 14 Condition Notwithstanding details shown on the approved plans, prior to the occupation of the development hereby permitted full details of the bin stores and their location shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the details agreed.
- 14 Reason In the interests of the privacy and amenity of neighbours in accordance with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Policies Document 2015.
- 15 Condition The independent living apartments shall at all times be held and occupied in connection with the land identified in red and shall at no time be used as separate residential units.
- 15 Reason To define the terms of the consent for the avoidance of doubt.

- 16 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg PL\_01  
Dwg PL\_02 Rev I.  
Dwg PL\_03 Rev A  
Dwg PL\_04 Rev A  
Dwg PL\_05 Rev A  
Dwg PL\_06.1 Rev B  
Dwg PL\_06.2 Rev B  
Dwg PL\_06.3 Rev B  
Dwg PL\_07 Rev B  
Dwg PL\_08

- 16 Reason For the avoidance of doubt and in the interests of proper planning.