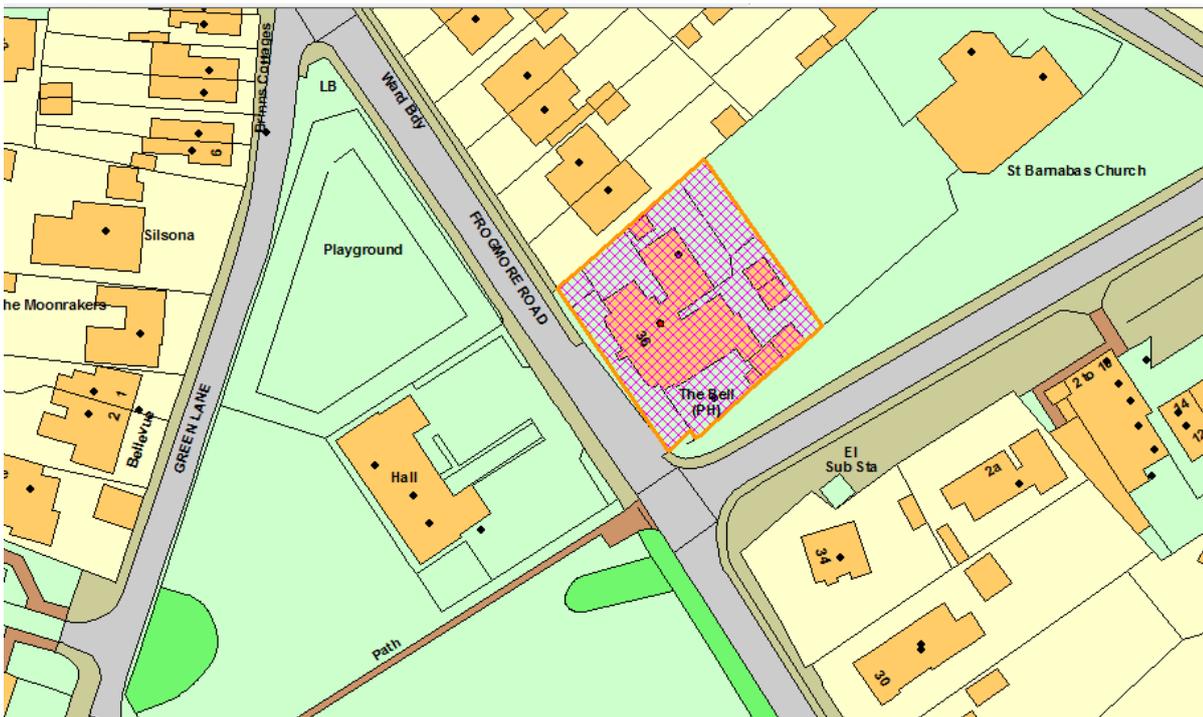


**COMMITTEE REPORT
ITEM NUMBER:102**

APPLICATION NO. 21/00378/FUL
LOCATION **The Bell Inn 36 Frogmore Road Blackwater Camberley
GU17 0NP**
PROPOSAL Construction of a 21-bed dementia care home with
associated highways works parking and landscaping
(following demolition of public house and other buildings)
APPLICANT Barar
CONSULTATIONS EXPIRY 21 July 2021
APPLICATION EXPIRY 2 June 2021
WARD Blackwater And Hawley
RECOMMENDATION **Grant, subject to planning conditions**



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BACKGROUND

This planning application is brought to Planning Committee at the discretion of the Head of Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation as The Head of Place considers that the application/ notice/ order should be considered by Planning Committee.

THE SITE

The site currently accommodates a derelict building known as the Bell Inn Public House. The building is single storey and is a brick-built structure with a tiled roof. The entrance to the Public House and car parking area fronts Frogmore Road and a detached building to the rear (formerly residential accommodation associated with the Public House).



Figure 1 - Application site and surroundings.

The site levels are generally flat, and the plot has an area of approximately 0.11ha. The plot extends approximately 36 metres from the Frogmore Road boundary to the rear boundary. The frontage is open and has a width of approximately 35 metres. The site adjoins residential development to the north and the grounds of a community facility (place of worship) to the east.



Figure 2 - Frogmore Road frontage.

PROPOSAL

Planning permission is sought for the redevelopment of the site to construct a 21-bed dementia care home with associated external works (parking and landscaping).

The proposed building would have an irregular roughly rectangular footprint largely sited in a similar position to the buildings proposed for removal. It would comprise two rectangular elements, one sited towards the Frogmore Road frontage and one set back from it. The same configuration would be proposed in relation to Bell Lane with one element closer to the road than the other.



Figure 3 - Site plan proposed.

The building would be three storeys in height and the top floor would be set-in from the main lower floors of the building. The building would have flat roofs, facing brick at ground floor level and vertical timber cladding for the upper floors resulting in a modern design and appearance.

Internally the ground floor would predominantly accommodate operational areas for the care home with a small number of bedrooms and amenity areas on this floor. The upper floors would mainly comprise of bedrooms with a lounge on each level.

Externally, the Frogmore Road frontage would feature servicing/staff parking between soft landscape areas. The frontage along Bell Lane would also feature soft landscaping areas together with visitor and ambulance parking. The rear of the site would accommodate a modest external amenity area for residents of the care home.



Figure 4 - Southwest, southeast and northeast elevations.

RELEVANT PLANNING HISTORY

07/00519/FUL – Erection of porch on front elevation. Granted, 02.07.2007

93/22397/S64 – Retention of a single storey timber dwelling. Granted, 03.06.1993

71/05452/H2 – Extension to lounge bar, cooled cellar and improvement of ladies' toilet.
Granted, 03.08.1971

64/05452/H – Erection of prefabricated building for residential purposes. Granted,
17.08.1964

CONSULTEES RESPONSES (Summarised unless stated)

Yateley Town Council (in full)

Objection

- The scale and design are wholly inappropriate, it is out of keeping with surrounding properties and the visual impact is of major concern.
- It is a massive overdevelopment of the site and will be a major intrusion on the visual appearance of the village green.
- Neighbouring applications have been required to scale down their plans to fit in with the street scene.
- The parking needs generated by tradesmen, staff and visitors to the site would have a major impact on what is an already difficult parking situation, given the two nearby schools. To introduce further traffic in this area would have a detrimental effect on road safety.
- Members are also concerned that some bungalows are being referred to as 1 ½ storey houses. These bungalows have had loft conversions fitted with rear facing dormers. The ridge height has remained the same and the elevation facing Frogmore Road is unchanged, so their impact on this important and sensitive street scene is unchanged.
- Members are concerned that this application, overall, would increase the adverse impact of the proposal in the pre-application that was previously submitted.

Thames Water Property Services

No objection

- There is sufficient foul water sewerage network infrastructure capacity and surface water network infrastructure capacity.
- These surface water comments are based on discharging 1 l/s into the surface water sewer on Frogmore Road to which Thames Water would have no capacity concerns. The public foul sewer in Frogmore Road is foul only rather than combined.

Policy (Internal)

No objection

- The purpose of Policy INF5 is to protect community facilities where they are required and viable. In this case both of those tests are in doubt, and there is the obvious benefit of redeveloping this brownfield site to help meet a need for specialist accommodation. This will reduce pressure on greenfield land for such schemes under Policy H4 Specialist and Supported Accommodation.

Tree Officer (Internal)

No objection, subject to conditions related to:

- Arboricultural Method Statement and Tree Protection Plan for the site to cover additional elements such as routes of utilities and sewerage, and any other services which will need to connect into the site, as well as siting of contractor facilities and areas for the storage of materials.

Housing (Internal)

No comments to make.

Environmental Health (Internal)

No objection subject to conditions in respect of:

- Construction hours.
- Construction Environmental Management Plan.
- No installation external fixed plant/equipment without planning permission.

Ecology Consult (Internal)

No objection, subject to the recommendations of the ecology reports and enhancement being implemented as shown in the submitted plans.

Natural England

No objection, subject to mitigation being secured as follows:

- The use of the property is restricted to C2 nursing care home.
- The care home shall not be occupied other than by persons who require high dependency dementia care.
- No residential staff accommodation will be provided on site and rooms will be for single occupancy.
- Car parking will be restricted exclusively to staff and visitors, with no access to the general public.
- A covenant to prevent the keeping of pets on the premises (with the exception of assisted living dogs).

Hampshire County Council (Highways)

No objection.

- A TRICS generation exercise has been undertaken. It shows a combined AM Peak trip of 11 and PM trip of 9. The Highway Authority would accept these trips.
- The Highway Authority are happy with the revised plans that have been submitted, showing the improvements and changes to the access points, and information regarding the distance to the local amenities and the transport network in the vicinity of the site.

Streetcare Officer (Internal)

No comments to make, as it relates to commercial premises.

Environment Agency Thames Area

No objection subject to conditions to secure:

- Development in accordance with flood risk assessment submitted.
- Finished floor levels to be set no lower than 64.70m above Ordnance Datum (AOD).
- Installation of non-return valves as flood resilience measures.

Hampshire County Council (Local Lead Flooding Authority)

No objection subject to conditions to secure:

- Construction of drainage system in accordance with Surface Water Drainage Strategy ref: 5879.
- Evidence of Thames Water Agreement to connect and discharge rate to their asset.
- Details of long-term maintenance arrangements for the surface water system approved.

NEIGHBOUR COMMENTS

The statutory requirements for publicity in this instance, as set out in The Development Management Procedure Order 2015 (as amended) are neighbour letters together with either the display of a site notice or a press advert. The Council's Statement of Community Involvement has been amended to align with the statutory publicity requirements.

The 21-day public consultation expired on 02.04.2021. At the time of writing, twenty public representations have been received. Eighteen of these were submitted in objection to the proposal and two representations have been submitted in support or being neutral representations. The objections are summarised as follows:

- Impacts on on-street car parking, highway safety and traffic generally and particularly at pick-up/drop -off times of nearby schools.
- Insufficient car parking provision.
- Impacts on adjoining residential and nursery buildings (overlooking).
- Loss of light, odour nuisance (from cooking and refuse) to adjacent bungalow.
- Height and design of the building would be out of keeping with adjacent bungalows.
- Building would look like a dominant school/college.
- Impact on views of green opposite.
- A care home is out of character with this area of family dwellings.
- Impacts on the SPA.
- Rooms proposed for prospective residents are too small.
- Surroundings may be better served with a small café/meeting place.

CONSIDERATIONS

1. Planning Policy
2. Principle of Development
3. Specialised Accommodation for Older People
4. Design/Character of the Development and the Area
5. Impact on Neighbouring Amenity
6. Trees/Landscaping/Biodiversity
7. Thames Basin Heaths Special Protection Area
8. Flooding and Drainage
9. Access and Parking
10. Refuse
11. Climate Change and Equality
12. Planning Balance

1. PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and saved policy NRM6 of the South East Plan. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

In terms of Neighbourhood Plans, the Yateley, Darby Green and Frogmore Neighbourhood Plan 2020-2032 is not at an advanced stage and is not yet part of the adopted Development Plan. However, it is a material consideration as the application site falls within the neighbourhood area.

Adopted Hart Local Plan - Strategy and Sites 2016-2032 (HLP32)

SD1 - Sustainable Development
SS1 - Spatial Strategy and Distribution of Growth
H1 – Market Housing
H4 - Specialist and Supported Accommodation
NBE3 - Thames Basin Heaths Special Protection Area
NBE4 - Biodiversity
NBE5 - Managing Flood Risk
NBE7 – Sustainable Water Use
NBE9 - Design
NBE11 - Pollution
INF3 - Transport
INF5 – Community Facilities

Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General policy for development
CON 8 - Trees, woodland & hedgerows: Amenity Value

Saved policy of the South East Plan 2009 (SEP)

NRM6 - Thames Basin Heaths Special Protection Area

Draft Yateley, Darby Green and Frogmore Neighbourhood Plan 2020-2032 (YDFNP)

Policy YDFNP1 - Sustainable Development
Policy YDFNP2 – Limiting Climate Change
Policy YDFNP3 – Promoting Biodiversity
Policy YDFNP4 – Design Principles
Policy YDFNP9 – Flood Risk
Policy YDFNP10 – Community Facilities
Policy YDFNP15 – Promoting Active Travel

Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance (PPG)
National Design Guide 2021 (NDG)
Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment 2014-2032 (SHMA, 2016)

Hart Parking Provision Interim Guidance (2008)

Advice on the need for specialised accommodation for older people within Hart District as set out in the 2016 SHMA (NSAOP, June 2021)

Conservation of Habitats and Species Regulations 2017

Thames Basin Heaths Delivery Framework 2009 (TBHDF)

BRE Report - Site layout planning for daylight and sunlight: a guide to good practice (2011)

Hart's Planning Technical Advice Note – Privacy, Daylight and Sunlight

2. PRINCIPLE OF DEVELOPMENT

The application site is located within the urban settlement boundary of Frogmore as defined by the HLP32. Policy SS1 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land. The policy goes on to set out the Council's Housing requirement and indicates that this will in part be delivered through development or redevelopment within settlement boundaries. The supporting text makes it clear that some of the Council's housing requirements will be delivered through windfall sites such as the application site.

It is worth mentioning that the acceptability of the principle of development, in this case, also depends on policy INF5 which seeks provision and improvements of existing community facilities. This policy only allows the loss of community facilities in certain circumstances where it is demonstrated that:

- i. a suitable replacement facility of a similar or improved nature is provided that meets the needs of the local population or its current and intended users; or
- ii. the existing premises are no longer required or viable.

Policy INF5 regards local shops and public houses as community facilities, despite the fact that these may be privately owned and operated. The reason being that such facilities can contribute positively to and enhance the quality of community life. In policy terms, this proposal would involve the loss of a community use. The public house has not been in operation since approximately November 2018.

The applicant submitted a viability and marketing report in support of the application with respect of the loss of a public house use on this site. This report concludes that the public house was previously able to derive trade almost entirely from the local community but acknowledges that the premises do not present the characteristics to be able to reposition itself as a destination or food-led venue. The parking provision is too small, equally so are the internal trading areas.

The viability and marketing report also acknowledges that the property was brought to the market closed, boarded up and with a backdrop of operational and licensing issues and concerns, which would be far from an appealing prospect and would present a high degree of risk to a potential operator.

It also highlights that re-establishing trade at a pub akin to The Bell would be challenging, and even more so given the Covid-19 pandemic and the ongoing impact this is likely to have on consumer confidence for at least the short term. The report notes that whilst the Government has announced financial support for the sector, these are short term measures and in assessing viability a longer-term assessment must be made.

The report confirms that the marketing exercise undertaken resulted in parties attending viewing sessions but all those who went on to submit offers were dominated by parties looking at the site for other uses and not for continued use as a public house. The report advises that they do not consider that this property has a future as a public house due to the combination of factors including: the results of the marketing exercise along with the licensing and operational issues for the site, trade and profit potential, level of competition in the locality (which is considered to be adequately served) and the state of repair of the property and the need for investment.

The viability and marketing report was analysed by the Council's Planning Policy team and Policy Officers are satisfied that the report is robust although the marketing exercise undertaken fell short of policy expectations. However, the Policy Team acknowledges that Yateley Town Council in their comments on this application raise no concerns regarding the loss of the public house, and that there would appear to be little or no objection from the local community on these grounds either. This would be perhaps attributed to the history of anti-social behaviour / licensing issues in the past.

It is also noted that the existing public house on site is not identified/listed as a community facility in the emerging YDFNP. On balance they raised no objection as there are doubts the public house is required and viable and there is an obvious benefit of redeveloping this brownfield site to help meet a need for specialist accommodation.

It should also be noted that the other requirement for the loss of the public house is a replacement facility of a similar or improved nature provided that it meets the needs of the local population or its current and intended users. The provision of a dementia care home in this instance would be a facility that would comply with such a requirement, as there is a district wide need of such facilities.

Therefore, the principle of development is acceptable, however the ultimate acceptability of the proposal would depend on compliance with all other planning policy objectives.

3. SPECIALISED ACCOMMODATION FOR OLDER PEOPLE

Policy H4 of the HLP32 supports the provision of specialised/supported accommodation that meets the needs of older persons or others requiring specialised care on sites within settlement boundaries.

The application proposes a 21-bed dementia care home falling within Class C2 use. This would contain 21 individual en-suite bedrooms. Communal facilities are limited due to the nature of the care which would be provided however the building includes a lounge/servery on each floor. There would also be a nursing station on each floor. No staff accommodation (bedrooms) would be provided. Staff facilities would include offices, changing areas/lockers and a staff room. The care home would be three-storeys with a total area of 1,070sqm Gross Internal Area (GIA).

The submission states that the applicant has already approached an operator for complex nursing dementia care. The HLP32 defines a care home as a residential setting where a number of people live, usually in single rooms, and have access to on-site care services. The Planning Practice Guidance defines residential care homes and nursing homes as:

“These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.”

The Need for Specialised Accommodation for Older People (NSAOP) assessment (para. 1.04) provides guidance on categories of specialist housing and accommodation for older people, including:

“Residential care. Provides live-in accommodation, typically in en-suite rooms, with 24 hour-a-day supervised staffing for residents, who may need extra help and support with their personal care. For example, help with things such as washing, dressing, personal hygiene, medication, toileting, communication, feeding and mobility.

Nursing care. These provide 24-hour care and support, as with residential care, but with added nursing care and assistance for residents who require input from and supervision by a registered nurse, who is in situ to devise and monitor care plans and provide and administer treatment.”

With due regard to the application submission and above definitions, the proposal would be for a nursing care home as defined within the PPG and nursing care home as identified in the NSAOP. A planning condition has been recommended to secure that the proposed nursing care home remains in this use.

The NSAOP provided advice to the Council on the need for specialised accommodation for older people within the District to supplement earlier evidence contained within the SHMA. It identifies a residual net need (as at June 2021) of 232 nursing care bedspaces to 2035. The provision of 21 beds as proposed in the application would contribute to this need as supported by HLP32 Policies H1(c) and H4(a).

4. DESIGN/CHARACTER OF THE DEVELOPMENT AND THE AREA

HLP32 Policy NBE9 and saved policy GEN1 of the HLP06 seek to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area.

The NPPF 2021 (para. 130) also reinforces the need to promote good design in developments and states that decisions should ensure that developments will:

- function well and add to the overall quality of the area not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- are sympathetic to local character ..., including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The pre-submission YDFNP contains a draft policy (YDFNP4) that supports development appropriate to their scale and location, and that responds positively to local identity and distinctiveness.

Representations received on the application have raised concerns about the scale and architectural design of the proposed development in relation to the site’s context. The

application site forms the north-east corner of the intersection of Frogmore Road and Bell Lane. The Frogmore and Darby Green Hall is located opposite the site to the west which is adjoined by a green and play area. Therefore, the site benefits from an open and spacious aspect to its western side.



Figure 5 - Southern view of application site and the Green.

The locality comprises mainly one and two storey 1960's buildings fronting onto the green with some examples of Victorian/Edwardian residential development south of the green. There are also examples in the locality of three storey buildings (some shops in Bell Road and flatted development in Frogmore Road).

The main body of the building is proposed at two storeys in height with a third floor that would feature different set ins from the different elevations of the building, providing a more modest footprint at this level. The scale proposed along with the set back of the building from the back edge of pavement, its siting and footprint would provide a larger development than the existing public house. The proposed building would inevitably look larger than the dwellings surrounding it, however this would not be harmful to visual amenity or the character of the street scene.

The scale of the proposal has been addressed in a manner so as to avoid an overbearing building on this corner location and features a reduced footprint of the third floor and set-back of the building frontages which helps to minimise its visual effect on the adjoining roads.



Figure 6 – Representation of proposal from the Frogmore Road and Bell Lane intersection.

In terms of design and appearance, the building is proposed with a contemporary character and material palette which differs from the housing found in the immediate surroundings. This visual difference does not mean that there would be visual harm from the proposal and the planning system does not seek to replicate one style of design or building material only. The green areas proposed along the two main frontages of the building would also positively contribute to its relationship with the public domain.

The introduction of a contemporary building on the site and the locality as a whole would result in positive addition to the area in design and amenity terms. The proposed design would be acceptable and in compliance with objectives of adopted policies NBE9 of the HLP32, saved policy GEN1 of the HLP06 and the aims of the NPPF (2021).

5. IMPACT ON NEIGHBOURING AMENITY

Policy NBE11 supports development that does not give rise to, or would be subject to, unacceptable levels of pollution. Saved policy GEN1 supports development that, amongst other requirements, causes no material loss of amenity to adjacent properties.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and also do not undermine quality of life for communities. The sole residential property immediately adjacent to the application site is no.38 Frogmore Road to the north. This neighbouring property features a single storey rear extension and a rear roof extension as the loft has been converted into habitable accommodation.

The proposed development would result in built form moving closer towards this neighbouring property, when compared to the existing situation. The proposed two-storey element of the building would be set back 1.32m from the shared boundary with no.38 Frogmore Road and the depth of the proposed building at this northern end would be 12.95m.

At the front of the development, the section of the proposed building closer to no.38 Frogmore Road would project 0.75m further forward than the front elevation of no.38 Frogmore Road. To the rear, the proposed building would be aligned with the rear elevation of the neighbouring bungalow's extension. Therefore, no material overbearing impacts would result.



Adjacent property
no. 38 Frogmore
Road



Figure 7 - Views of no. 38 Frogmore Road.

The third floor of the proposed building would be 7.72m away from the shared boundary with no.38 Frogmore Road.



Figure 8 - Relationship between proposal and no.38 Frogmore Road.

With regards to daylight and sunlight, windows serving the habitable rooms of no.38 Frogmore Road are located in the front and rear elevations of this property. The proposed two-storey section of the development would also respect the 45° line drawn from the centre of the window in the rear roof extension of no.38 Frogmore Road.

Therefore, because of the siting and alignment of the two-storey section of the proposed development with no.38, no material reduction to the daylight/sunlight into the rear windows of this neighbouring dwelling should result. It is noted there is a ground floor window in the flank elevation of this bungalow located towards the eastern end of the elevation (rear) and a small narrow obscured glazed window in the gable wall of the property, both facing towards the application site.

The ground floor window in the flank elevation serves an open kitchen dining area and the light received by this window would be affected by the proposed development. However, this open kitchen/dining area receives daylight from two sets of double patio doors in the rear elevation, which provide a good source of light of these open plan spaces. It is also noted that the application proposes to remove a couple of trees that are in close proximity to the shared boundary with no.38 and its rear elevation, which currently also affect light received by the rear openings.

In terms of overlooking/loss of privacy, the flank elevation of the proposed development that would be directly facing the flank wall of no.38 would only feature one first floor window serving a corridor and therefore it would be obscured glazed. Upper floor windows in the rear elevation of the development would achieve oblique views of the rear garden of no.38, however this is not unusual between existing dwellings in the locality and as such no material impacts would be anticipated. The rear garden of this adjoining property therefore would remain largely unaffected by the proposed development due to its siting in relation to the proposed development.

- St Barnabas Church

This existing development is sited east from the application site at an approximate distance of 30m from the shared boundary, therefore, no impacts are anticipated. Representations

received raised concerns about overlooking of the grounds as it appears that there is an independent pre-school/nursery that operates in the church and make use of the garden located between the church and the application site.



Approximate location of boundary line.



Figure 9 - Relationship between proposal and St Barnabas Church.

The rear of the proposed building would have upper floor windows facing the grounds of the church; however, it would not be considered detrimental to the operation of the nursery in any way. Additionally, there are also mature trees both within the site, and also within the church grounds, that provide partial screening between them.

- Other surrounding properties

Other surrounding properties, on the opposite site of Bell Lane, would be over 30m away from the flank elevation of the proposed building. There are also off site TPO'd trees adjoining the southern boundary of the site, and the frontage of these dwellings along Bell Lane also features mature trees. Therefore, no material impacts are anticipated to their residential amenity.

Given the above analysis, the proposal would not create any adverse impacts on residential amenity that would amount to being detrimental to the living conditions of occupiers of surrounding dwellings. As such, the proposal would be in compliance with policy NBE9 the adopted HLP32, saved policy GEN1 of the HLP06, and the NPPF in this regard.

6. TREES/LANDSCAPING/BIODIVERSITY

With regards to trees/ landscaping, Saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features. planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

There are off-site TPO'd trees adjoining the southern boundary of the site. The proposed siting of the building would minimise encroachment onto root protection areas.



Figure 10 - View of protected trees adjoining the site along Bell Lane.

The tree protection information submitted was assessed by the Council's Tree Officer who has raised no objection, subject to their strict implementation. The officer also requested the imposition of a revised arboricultural method statement condition in order to cover within this document details of routes for utilities and other infrastructure associated with the proposal. This is considered reasonable, and a planning condition would be suggested as part of the recommendation of this application.

The landscaping proposed for the development shows there would be green areas along the two frontages of the site that would have planted trees, they would be integrated alongside the car parking spaces. There is also a rear garden proposed for residents that would feature hedging, and wildflower areas.

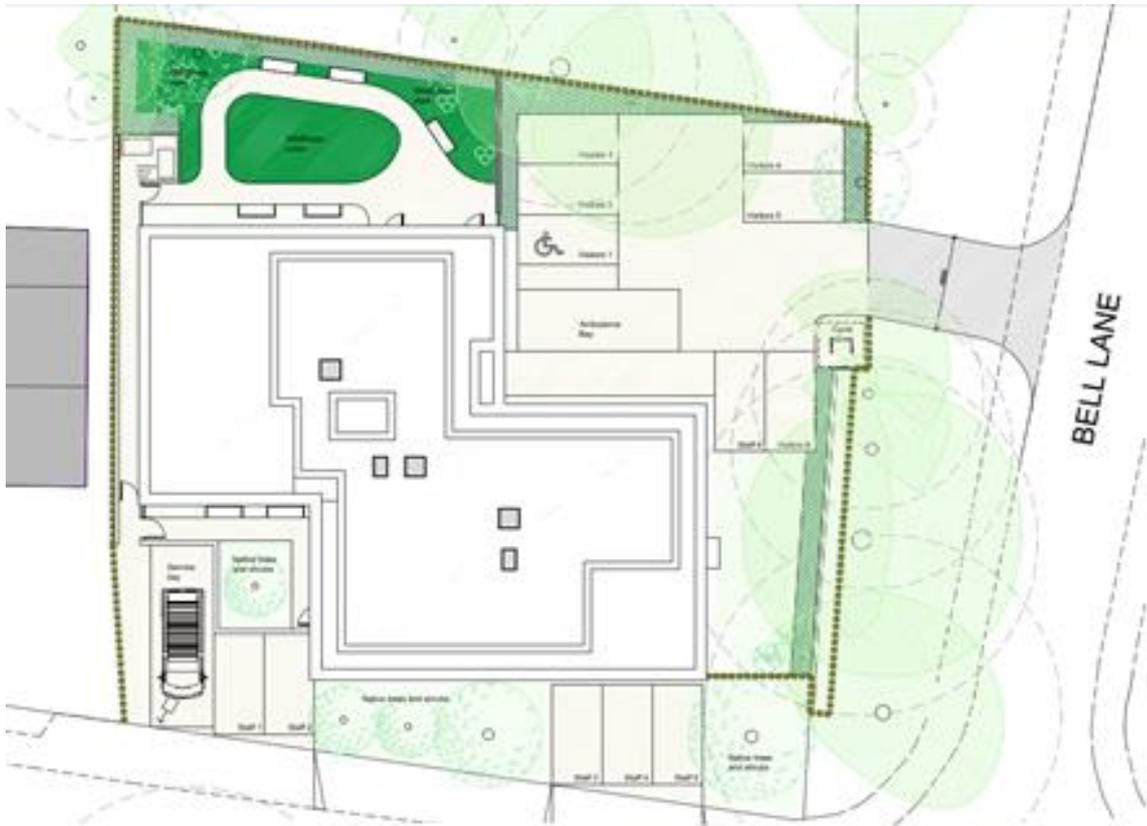


Figure 11 - Landscape proposal.

With reference to Biodiversity, adopted policy NBE4 (Biodiversity) of the Hart Local Plan states 'In order to conserve and enhance biodiversity, new development will be permitted provided...

b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible'.

The Council's Ecologist assessed the preliminary ecological appraisal and bat report submitted and is satisfied that the information complies with the objectives of the above policy. Therefore, she has recommended conditions to secure mitigation measures proposed and biodiversity enhancements. As such the proposal is policy compliant in these respects.

7. THAMES BASIN HEATHS SPECIAL PROTECTION AREA

The Habitats Regulations 2017 requires Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on a European Protected Site. In this case this relates to the Thames Basin Heaths Special Protection Area (TBHSPA).

The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Planning policy NBE3 of the adopted HLP32 and saved policy NRM6 of the SEP, makes clear that when considering development proposals for residential or similar forms of development, there is an 'exclusion zone' set at 400m linear distance from the TBHSPA boundary. Permission will not be granted for development that results in a net increase in residential units within this zone unless it can be demonstrated through an Appropriate Assessment that there will be no adverse effect on the integrity of the TBHSPA.

The Thames Basin Heaths Delivery Framework makes clear that the development covered in the above restriction relates to net additional dwellings falling within use class C3 and units of staff residential accommodation falling within use classes C1 (hotels, boarding/guests houses) and C2 (care homes/hospitals nursing schools).

The application site falls within the 400m exclusion zone. The dementia nursing care home proposed does not contain any staff residential accommodation, all the en-suite rooms are for single occupation. The applicant has stated that the proposed facility would cater for residents requiring a complex/high level of nursing care and would not be in a position to either visit the SPA on their own or be taken there by relatives.

Natural England was consulted on this matter and has raised no objection subject to attaching planning conditions to ensure that the development does not cause an adverse effect on the TBHSPA. As such, subject to planning conditions, the development would be in compliance with adopted policy NBE3 of the HLP32, saved policy NRM6 of the SEP and the Thames Basin Heaths Delivery Framework 2009.

8. FLOODING AND DRAINAGE

Adopted policy NBE5 (Managing Floodrisk) sets out five criteria when development would be permitted, in this case the applicable criteria are:

- Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding;
- If located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary;
- Within Causal Areas (as defined in the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

Flood mapping indicates that the application site falls within Flood Zones 1, 2 and 3. Under the principles of the NPPF 2021, the vacant Public House would have been classified as 'More Vulnerable'. The proposed development therefore would be classified as 'More Vulnerable'.

The development proposal was accompanied by a Flood Risk Assessment and a Sequential Test. The reports demonstrate the 1:100 +35% year maximum flood level on site would be 64.4mAOD. Flood depths on site would be generally very low at under 0.1m. Analysis of the modelled flood depths indicate that the majority of flood depths on site would not exceed 0.06m.

Based on the analysis, the risk of flooding to the site can be considered moderate. However, it should be noted that flood depths during the 1:100-year event would remain low (generally under 0.1m) and can be mitigated against. The ground floor finished floor level (FFL) for the site is to be set no lower than 64.7mAOD, 300mm above the 1:100 year plus 35% climate change flood level (64.4mAOD).

Given the proposed use of the site, level access with external ground levels is required. Therefore, external ground levels are to be raised around the access points to create a shallow ramp for easy access.

The risk of flooding to the site from surface water, groundwater and sewers could be considered to be low. To mitigate against the flood risk posed to the proposed development site, a number of measures have been recommended to manage the associated risks.

The Environment Agency (EA) was consulted on this application and are satisfied that subject to planning conditions the development would be safe from flooding events in the future. As such they raise no objection to the proposal subject to planning conditions if this proposal is supported by the Council.

Also, the Local Lead Flooding Authority (LLFA) raise no objection to the proposal as the submitted technical information advises that surface water runoff from the application site would be managed through permeable paving and it would be discharged at a rate of 1.1 l/s through an existing connection to a combined sewer at Frogmore Road. This drainage approach was acceptable to the LLFA.

However, they have requested confirmation that Thames Water would agree to the use of their infrastructure for the development to connect and discharge surface water. The consultation response from Thames Water confirms they are not raising an objection to either the connection or the discharge rate proposed. Therefore, there is no need to condition such matters.

The no objection response from the LLFA also requests the imposition of planning conditions to secure the proper implementation of the drainage strategy and details of long-term maintenance of the drainage system proposed. These are considered reasonable and necessary, if the Council is supporting this application, they would be imposed.

Thus, given the above, the proposal subject to this application is acceptable and in compliance with objectives of policy NBE5 of the HLP32 and the NPPF 2021.

9. ACCESS AND PARKING

Adopted policy INF3 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Saved policy GEN1 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

NPPF 2021 paragraph 111 advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of access, it is noted that currently the application site can be accessed via the Frogmore Road frontage and there is also a vehicular access via Bell Lane, therefore there are no concerns in this regard.

With regards to car parking, the proposal would alter the current car parking arrangement to reduce the number of parking bays down to 5 for cars and one servicing bay along the Frogmore Road frontage. This would allow the integration of landscaping. Also, the existing vehicular access along Bell Lane would be widened to allow for ambulance access, in addition to cars, as there is also a modest car parking area proposed on the southeast corner of the site.

The Local Highway Authority (LHA) has assessed the above physical alterations to safely access and accommodate car parking, including visibility spays and has raised no objection to them.

With regards to traffic generation, the submitted information demonstrates that the public house use would not attract any trips within the morning peak period. In the evening peak hour, the public house use could generate 38 total person trips, of which 22 could be vehicular trips. Over an average weekday, the public house use could generate 468 two-way total person trips, of which 234 could be vehicular.

It is also shown that the proposed development could generate six total person trips in the weekday morning peak hour, with five being vehicular trips. In the evening peak hour, the development could generate seven total person trips, of which two could be vehicular trips. Over an average weekday, the care home could generate 46 two-way total person trips, of which 25 could be vehicular.

The LHA has accepted the trip generation assumptions/calculations and has not raised concerns in this respect. The applicant also provided the LHA with additional information of the locality in terms of distances to local amenities, walking/cycling facilities, bus stops/services and other public transport available locally. The LHA is also satisfied with this information.

Finally, with regards to car parking, the current Hart maximum standards state that there should be provision of 1 space: 2 non-residential full-time employees and 1 visitor space: 4 clients. The proposal would accommodate 21 beds which would require 5 spaces. The information submitted states there would be 12 full time employees, this would also require 6 spaces.

The proposal makes provision for 12 car parking spaces, which would meet the standards adopted by the LPA. Cycle parking provision is also proposed on site and is acceptable.

On this basis, therefore, the proposed development is in accordance with the objectives of policy INF3 of the HLP32, saved policy GEN1 of the HLP06 and paragraph 111 of the NPPF 2021.

10. REFUSE

The refuse collection would be undertaken by a private company and not by the Council which only focus on refuse collection for residential dwellings and flats and not for developments such as that one proposed in this application. It is noted that the refuse storage is proposed to the rear adjoining the shared boundary with no.38 Frogmore Road.

The location of it adjoining the boundary is not ideal. However, there is scope to remove the storage from the shared boundary and propose a buffer between them. This can be the subject of a planning condition if the Council supports this application, along with a condition for details of refuse management, to ensure that there is no nuisance arising from the final location of the storage and the management of refuse.

11. CLIMATE CHANGE AND EQUALITY

On 29.04.2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. HLP32 policy NBE9 requires developments to reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency also to be resilient and aims to reduce energy requirements through carbon reduction and incorporation of energy generating technologies, where appropriate.

The applicant has confirmed that the orientation and layout of the care home has been designed to work with the site and environment. The building benefits from solar shading from trees to the south and west to reduce risk of overheating in summer.

Residents' lounges have been positioned to avoid tree shade to minimise use of lighting and maximise health benefits to residents. The building has generous floor to ceiling heights of 2.4m and tall windows to maximise daylight to spaces. All stairs and corridors have windows and/or rooflights to maximise daylight.

Sustainably sourced timber cladding would be used. The building design has allowed for wall and roof thicknesses suitable to meet the latest Part L design standards so that the U-Values of the building fabric will meet or exceed Simplified Building Energy Modelling (SBEM) calculation requirements. As set out with the SuDS report, rainwater harvesting through the use of rainwater butts would be employed.

The applicant has also agreed to incorporate a dual vehicular electric charging point and the use of renewable technology. However due to the shaded nature of the site and the complex requirements of the development proposed, they would need to undertake a careful analysis of what technology would be best suited to the proposal and have requested this to be secured by a planning condition as part of a detailed services strategy.

The client has confirmed their commitment to heating, ventilating and lighting the building in a sustainable manner but these needs would be looked at in a holistic way by a services engineer to discharge any potential condition if this proposal is supported by the Council.

In terms of Equality, due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not share it. This application would not raise any issue in this regard.

12. PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is subsection d) of Paragraph 11 of the NPPF, wherein the 'tilted balance' would apply if the adopted development plan has no relevant policies or relevant policies are out of date, which is not the case here.

It is, nonetheless, important to note the public benefits which would arise from this proposal, and these are as follows:

- Social benefits would arise as a result of the provision of a dementia nursing care home facility in the District;
- Economic benefits attracted would be employment during the construction of the development, from the additional employment generated by the proposal and from the additional expenditure in the local economy during construction and following occupation.
- Environmental benefits arising would be the re-using an existing PDL site in the settlement and the removal of a dilapidated vacant site that does not contribute to the character/appearance of the area and its replacement with a contemporary high-quality development that complies with policy design objectives.

The delivery of housing, including specialist accommodation, is an important social objective set out in paragraphs 60-62 of the NPPF 2021. Also, as discussed earlier in this report there has been identified a residual net need (as at June 2021) of 232 nursing care bedspaces to 2035. The provision of 21 beds as proposed in the application would contribute to meeting this need. The social benefits arising from this proposal, therefore, are substantial and the Council as the decision taker should attribute these benefits significant weight in the consideration of this application.

The dis-benefits identified and discussed above are:

- Loss a public house, which is regarded as a community facility;
- Changes to the levels of daylight/sunlight received through a secondary window to the ground floor kitchen/dining area of the adjoining property at no.38 Frogmore Road.

Whilst the loss of a non-operational public house is a disbenefit in this case, it has been demonstrated that the locality is well served by similar facilities and the subject public house is not specifically designated as a 'Community Facility' in the emerging YDFNP.

With regards to changes to the daylight/sunlight levels to a kitchen window at no.38 Frogmore Road, it should be noted that the open plan kitchen/dining area relies on the primary openings (double patio doors) in the rear elevation and therefore the overall impacts to these living spaces would not amount to be detrimental to the living conditions of these adjoining occupiers.

Hence, the weight attributed to the disbenefits of the scheme are very limited and the benefits identified would significantly outweigh them and as such this application is recommended for a conditional approval.

CONCLUSION

This application must be determined in accordance with the policies of the development plan unless any material planning considerations indicate otherwise.

The proposal is acceptable in principle and would introduce a use that would also benefit the community and would regenerate a previously developed site within the settlement. The proposal would provide a suitable development that would respond satisfactorily to the site constraints and the locality as a whole.

The external works propose landscaping and reconfiguration of car parking spaces that would contribute positively to the locality. No significant material impacts are anticipated in terms of neighbouring amenity, flooding or highways.

In this case the proposed development would comply with the relevant policies of the HLP32, saved policies of the HLP06, the NPPF 2021 and policies of the emerging YDFNP, and as such a conditional approval is recommended.

RECOMMENDATION – Grant, subject to planning conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be fully implemented in accordance with the following plans/documents (including any mitigation/enhancement recommended therein):

Plans:

5098-02 Rev. D (Proposed Site Plan), 5098-03 Rev. E (Proposed Ground Plan), 5098-04 Rev. B (Proposed First and Second Floor Plans), 5098-05 Rev. A (Frogmore Road & Bell Lane Elevations), 5098-06 Rev. C (North East, North West & Bin Store Elevations), 5098-15 (Landscape Plan), 5098-16 (swift brick, bird and bat box

locations) and 1489-01 Rev. D (Tree Constraints Plan).

Documents:

Design, Access and Planning Statement Rev. A produced by Broklehurst Architects (January 2021), Preliminary Ecological Appraisal Issue 1 produced by Bernwood Ecology (December 2021), Emergence Survey Report – Bats produced by Chase Ecological Consultancy (June 2021), Arboricultural Impact Assessment produced by SJ Stephens Associates (February 2021), Landscape and Ecology Management Plan produced by Broklehurst Architects (June 2021), Flood Risk Statement 5878 v.01 produced by Ambiental Environmental Associates (January 2021), Surface Water Strategy 5879 v.01 produced by Ambiental Environmental Associates (December 2020), Sequential Test 5880 v.01 produced by Ambiental Environmental Associates (December 2020), Highways Technical Notes prepared by Motion (January and May 2021), Community Facilities Assessment report produced by Broklehurst Architects (March 2021) and Planning Viability and Marketing Report prepared by Fleurets (May 2021).

REASON: To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

3. The development hereby approved shall not commenced until details of a site construction environmental management plan are submitted to and approved in writing by the Local Planning Authority and shall include but not limited to the following:

- i) Construction worker and visitor parking;
- ii) anticipated number, frequency and size of construction vehicles;
- iii) dust and Noise/Vibration mitigation measures;
- iv) dust suppression measures;
- v) Site security;
- vi) vehicle manoeuvring and turning;
- vii) locations for the loading/unloading and storage of plant, building materials and construction debris and contractors offices;
- viii) procedures for on-site contractors to deal with complaints from local residents;
- ix) measures to mitigate impacts on neighbouring highways; and
- x) details of wheel water spraying facilities;
- xi) Protection of pedestrian routes during construction

Such details shall be fully implemented and retained for the duration of the works.

REASON: To protect the amenity of local residents, to ensure adequate highway and site safety in accordance with policies NBE11 and INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

4. Notwithstanding any information submitted with this application, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (excluding demolition) and shall include but not limited to the following (in addition to those already covered in the Arboricultural Statement approved by condition no.2):

- i) routes of utilities, sewerage, and any other services;
- ii) siting of contractor facilities;
- iii) areas for the storage of materials;

Such details shall be fully implemented and retained for the duration of the construction works.

REASON: To protect Tree Preservation Orders adjacent to the site in accordance with policy NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 saved local policies GEN1 and CON8 of the Hart District Local Plan 1996-2006, and the NPPF 2021.

5. The development hereby approved shall not be raised above slab level until details of any kitchen extraction equipment and external plant is submitted to and approved in writing by the Local Planning Authority.

Such details shall be fully implemented, and the plant shall be adequately maintained in working order for the life of the development as to meet details approved.

REASON: To protect the amenity of local residents, in accordance with policies NBE11 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

6. The development hereby approved shall not be raised above slab level until a services strategy which shall include the renewable/ low carbon energy technology and Electric charging points that would be incorporated in the proposal, is submitted to and approved in writing by the Local Planning Authority.

Such strategy shall be fully implemented and services maintained in adequate working order for the life of the development.

REASON: In the interest to address climate change and in accordance with policy NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

7. No development shall raise above slab level, until details of all external materials for the building hereby approved are submitted to and approved in writing by the Local Planning Authority. The details approved shall be fully implemented.

REASON: To ensure a high-quality external appearance of the buildings and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, and the NPPF 2021.

8. Notwithstanding any information submitted with this application, details of a refuse storage removed from the shared boundary with no. 38 Frogmore Road and a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details approved shall be fully implemented before the development is firstly occupied and complied with for the lifetime of the development.

REASON: In the interest of neighbouring residential amenity and an adequate refuse storage/ servicing, in accordance with policies NBE9 and NBE11 of the adopted Hart Local Plan and Sites 2016-203, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2021.

9. Details of the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include:
- i) maintenance schedules for each drainage feature type and ownership; and
 - ii) protection measures.

The details approved shall be fully implemented before the development is firstly occupied and complied with for the lifetime of the development.

REASON: To ensure that the proposed development would not increase the risk of flooding elsewhere, be safe from flooding and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

10. The approved parking facilities serving the development hereby approved shall be fully completed and made available prior to the first occupation of the building hereby approved. These vehicular facilities shall be retained for these purposes thereafter and access shall be maintained at all times to allow them to be used as such for staff and users of the development.

REASON: To ensure that the development is provided with adequate access, parking and turning areas in the interest of public highway safety and to satisfy policy INF3 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 and the NPPF 2019.

11. The first-floor side window hereby approved in close proximity to the shared boundary with no. 38 Frogmore Road in the north facing flank elevation, shall only contain frosted glass (of Pilkington Glass Level 3 or above, or equivalent) and shall thereafter be retained as such.

REASON: To protect residential amenity of neighbouring occupiers and to satisfy policy NBE9 of the Hart Local Plan (Strategy & Sites) 2016- 2032, saved policy GEN1 of the Hart District Council Local Plan (Replacement) 1996 – 2006 and the NPPF 2021.

12. The internal finished ground floor levels of the development hereby approved shall be set no lower than 64.70 above Ordnance Datum (AOD) and the development shall be provided with non-return valves as flood resilient measures.

REASON: In the interest of preventing internal flooding and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order with or without modification, the development hereby approved shall only be used as a dementia nursing home within Use Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: To ensure that the development is carried out in accordance with the details submitted and to satisfy a District need, in accordance with policy H1 and H4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

14. Notwithstanding any information submitted with this planning application, the development hereby approved shall not be internally altered to provide residential staff accommodation at any time.

REASON: To ensure the integrity of the Thames Basin Heath Special Protection Area is not adversely affected, in accordance with policy NBE3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy NRM6 of the South East Plan 2009 and the NPPF 2021.

15. No development, demolition work or delivery of materials shall take place at the site except between 08:00 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition/construction work or deliveries of materials shall take place on Sundays or Public Holidays.

REASON: To protect the residential amenity of adjoining/nearby residential occupiers and to satisfy policy NBE11 of the adopted Hart Local Plan and Sites 2016-203, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2021.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application, once received, further engagement with the applicant was required and the application was subsequently acceptable.