



Application No: 150071

Location: Alderwood Care Home, Alderwood Care Home, 39 Essex Hall Road, Colchester, Essex, CO1 1ZP

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **2 April 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Mr David Whybrow

Due Date: 20/04/2015

MAJOR

Site: Alderwood Care Home, 39 Essex Hall Road, Colchester, Essex, CO1 1ZP

Application No: 150071

Date Received: 19 January 2015

Agent: Mr John Stockill, DWA Architects Ltd

Applicant: Mr Mike Hirsch, Carebase Ltd

Development: Proposed 24 bed Specialist Care Home in the grounds of Alderwood Care Home.

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Introduction

- 1.1 This application was previously reported to and considered by the Planning Committee at the meeting on 5th March. It was approved subject to the signing of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. A contribution of £7,680 was agreed to mitigate the primary care impact of this development. In the event that the legal agreement is not signed within 6 months, delegated authority was given to the Head of Professional Services to refuse the application, or otherwise to be authorised to complete the agreement.

- :
- 1.2 NHS (England) have subsequently indicated that they do not now consider a contribution to be appropriate and the matter is therefore referred back to Committee to consider the reason for their retraction and to seek authority for planning permission to be granted without the need for a unilateral undertaking (UU). As the other merits of the case remain unchanged this report concentrates solely on this UU matter.
 - 1.3 The Committee also resolved that representations should be made to the North East Parking Partnership requesting it consider the introduction of additional restrictions or enforcement measures in the Essex Hall Road area. This is currently in hand.
 - 1.4 This application was originally referred to the Planning Committee because it is a major application that had given rise to material planning objections as a result of neighbour consultation. The key issues on the original application were the design and layout, scale, height and massing, impact on the surrounding area, impacts on neighbouring properties and amenity provisions. Special consideration was also given to access/parking issues as these were the sole matters raised in the representations.
 - 1.5 All of these matters were previously considered to be acceptable subject to the signing of the unilateral undertaking for health care contributions. Having agreed the main planning issues were acceptable, the key issue herein is whether the application remains acceptable in terms of its health care impact without the Unilateral Undertaking originally sought.
 - 1.6 The NHS consultee has confirmed that they have no justification for the contribution having had further discussions with the applicants about the nature of their proposals. The NHS give the following reason for no longer requiring a financial contribution:

"It is presumed that the facility will be registered as CQC hospital status as 24 hour care of the residents will fall to the staff employed at the facility. Therefore as the facility will cater for the full medical care of its residents we would not require a developer contribution in this instance."
 - 1.7 Members will recall that the original planning consent, 082124, delivered a generous package of community gains in the form of the transfer of the public open space to the west of the care complex to CBC and provision of a footway/cycleway link to Westway from the SE part of the site. It is not considered that further s106 contributions can be justified in the present case, a view endorsed by the Corporate Development Team.

2.0 Recommendation

- 2.1 APPROVE subject to the following conditions in section 4.

3.0 Positivity Statement

- 3.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers A3006 80 revC, 81revB, 82 revB and 91 revE.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4 - Non-Standard Condition/Reason

The additional parking spaces as shown on drawing no. A3006 91 rev D shall be laid out and available for use prior to any occupation of the building hereby permitted.

Reason. In order to ensure adequate on-site parking facilities are available in the interests of highway safety and the convenience and amenity of local residents.

5 – Non Standard Condition

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

6 – Non Standard Condition

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

7 – Non Standard Condition

The noise mitigation recommendations as submitted with the Acoustic Report accompanying application ref 082124 shall be fully implemented in order that all residential units are designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions.

Reason: To ensure residents are not affected by undue noise from the adjoining railway line.

5.0 Informatives

(1) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(2) PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

(3) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

