

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
25 October 2012

WARDS: South West Holderness

Application for Erection of two buildings for use as 1) A 54 bedroom care home with 5 assisted living apartments and 2) A 30 bedroom dementia care home with 5 assisted living apartments together with construction of a new access road, laying out of gardens and car parking areas and construction of a bowling green and clubhouse

At Land North Of 79 Magdalen Lane Hedon East Riding Of Yorkshire by Yorkare Homes Ltd

Application Number: 12/03553/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/03553/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Revitalising our communities
Retaining the East Riding character
Supporting vulnerable people

C. Application Type

Strategic - Full Planning Permission

D. Parish

Hedon Town Council

E. Applicant

Yorkare Homes Ltd

F. Target Date

2 November 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **DEFERRED** for the receipt of comments from the Environment Agency on the revised Flood Risk Assessment. Subject to receipt of their positive comments the application be delegated for **APPROVAL** by the Director of Planning and Economic Regeneration subject to conditions as detailed in section 12 of this report, and any required by the Environment Agency.

1. INTRODUCTION

- 1.1. The application site comprises a 1.4 hectare area of open rough grass fields to the north-eastern end of the town of Hedon. It is bounded by Magdalen Lane to the south and the former railway line to the west, which is a Public Right of Way. To the east of the site is a small funeral directors chapel and to the north a drain and a hedge with open fields beyond. Further to the north-west are fishing lakes. Further to the east is the Council's Hedon Depot. The site is bounded by trees and hedges including one which is protected by Tree Preservation Order.
- 1.2. The site lies in an area without specific notation in the Holderness District Wide Local Plan and is in open countryside. It immediately adjoins the development limits of Hedon, which is defined as a Town by policy DS3 of the Joint Structure Plan and as a Local Service Centre by policy YH6 of the Regional Spatial Strategy.
- 1.3. Full planning permission is sought for the erection of two buildings for use as two care homes. The first would offer 54 bedrooms in the care home plus 5 assisted living apartments and the second would offer 30 bedrooms for dementia care with 5 assisted living apartments. A new access road would be created to the southern end of the site onto Magdalen Lane. A number of recreational and garden areas would also be created including a bowling green, kitchen garden, sensory gardens and circuit path. A timber club house building would be erected next to the bowling green. Three separate parking areas would be laid out around the buildings providing 35 spaces.
- 1.4. The care home buildings would each have three floors, with the third floor being wholly within the roofspace and served by small dormer windows. They would have differing roof heights with the 54 bed care home including a roof top glass conservatory and sun terrace. They would be constructed from a range of materials including brick, tiles and

stone and render panelling. A comprehensive landscaping scheme is proposed as part of the detailed plans.

- 1.5. The care homes would include a range of facilities for the occupants including communal lounges, hair salon, bar, café/shop, activity room, library and function room.
- 1.6. The assisted living apartments are designed to allow couples to stay together when one of them requires some level of care for their dementia. The residents can keep their independence as a couple but can access the nurses and the facilities of the care home on a 24 hour basis.
- 1.7. The facilities proposed within the care home buildings would also be available for day care for existing Hedon residents who need some level of care but reside in their own homes in the town.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan
Appendix 2 - Site Layout Plan
Appendix 3 - Elevations
Appendix 4 - Floor Plans
Appendix 5 - 3D Visual

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 adopted in May 2008, the saved policies Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire adopted in June 2005, and the saved policies of the Holderness District Wide Local Plan' adopted in April 1999.

Yorkshire and Humber Plan - Regional Spatial Strategy to 2006

YH1	Key spatial priorities
YH6	Local service centres
YH7	Location of development
HE1	Humber Estuary Sub-area Policy
ENV6	Forestry, trees and woodland
ENV7	Agricultural land
ENV8	Biodiversity
ENV11	Health Recreation and Sport
H4	The Provision of affordable housing
H5	Housing Mix
T1	Personal travel reduction and modal shift
T2	Parking policy

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be

treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire

DS3	Nine Settlements (Including Hedon) will fulfil the role of towns
DS7	Infrastructure Improvements necessary for development
SP1	Character and Distinctiveness of Settlements and their setting to be protected
SP4	Landscape character
SP5	Development proposals to achieve a high standard of design
ENV3	Wildlife Protection
ENV7	Protection of Archaeological Remains

Holderness District Wide Local Plan

G2	Sustainable Location of Development
G3	Protection of environment
G6	New Development Considerations
G7	Design Considerations
Env2	Trees and hedgerows
Env30	Development outside development limits
Env31	Open Spaces between settlements
Env32	Development on the fringes of settlements
CF1	Community Facilities
CF2	Level of provision of community facilities
CF4	Residential care homes - location
CF5	Residential care homes - access and parking
U12	Areas susceptible to flooding

National Planning Policy

National Planning Policy Framework (2012)
Technical Guidance to the NPPF - Flood risk (2012)

Other relevant documents:-

East Riding of Yorkshire Local Development Framework :

Core Strategy Development Plan Document - Further Consultation (October 2011)
Preferred Approach Core Strategy (May 2010)
Allocations Development Plan Document - Potential Sites Consultation (May 2010)

East Riding of Yorkshire Strategic Flood Risk Assessment 2010 Level 1

East Riding of Yorkshire Landscape Character Assessment (2005)

East Riding of Yorkshire Council's Commissioning and Resource Plan for Older Peoples Services (2007)

East Riding of Yorkshire Interim Approach on Affordable Housing 2007

4. RELEVANT PLANNING HISTORY

None on this site.

Related site: Land North of Rosedale Community Centre, Preston Road, Hedon -

09/02983/STOUT Outline - Erection of a two storey 60 bedroom residential nursing care home; 15 single storey assisted living units with a day centre; and a 30 bedroom dementia centre (layout, access and scale to be considered) - Refused 18th December 2009

5. CONSULTATION REPLIES

Hedon Town Council Hedon Town Council welcomes development of care facilities in the Hedon area, however, we have concerns regarding possible flooding and transport issues that may be created by this development. With this in mind, Hedon Town Council does not support this application and asks that if the officer is mindful of approval that the application be referred to the East Riding of Yorkshire Council Planning Committee for consideration.

Hedon Town Council expresses concern with regard to the time limit imposed for consultation and the fact that an application of such size, scale and impact has been submitted for consultation during recess period.

Humber Archaeology Partnership The site lies in an archaeological landscape which contains heritage assets dating from the medieval and post-medieval periods. The supposed location of the medieval Chantry Chapel of St Mary Magdalene lies within or adjacent to the application site. The precise location has not been identified. In view of the potential significance of the site appropriate measures should be taken to ensure that any heritage assets of archaeological interest are identified, recorded and safeguarded. Recommend that archaeological considerations relating to this application should be clarified before permission is granted. Recommend field evaluation by geophysical survey. If the application cannot be deferred pending the results of a preliminary evaluation, recommend a condition.

Forward Planning

The proposed development is on a non-allocated site in the open countryside adjacent to the development limits of Hedon. The gardens to the proposal are within the Open Space between Hedon and Preston.

The whole development is classed as part of the C2 use of the care home as long as appropriate restrictions are put in place on the occupancy of the assisted living apartments and there are appropriate connections to the nursing and/or dementia care home. The restrictions and connections should be maintained in perpetuity. If the restrictions and connections are not put in place then the assisted living element of the proposal may be considered as residential development (C3) and subject to additional comment from Forward Planning on this aspect of the development, in respect of residential development in the open countryside.

The NPPF (paragraph 14) provides for a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or specific policies within the NPPF indicate development should be restricted.

Both the NPPF and the RSS recognise the need to include housing for older people in the mix of housing to create sustainable communities.

Forward Planning recognise that there is an ageing population in the East Riding and therefore there is a need for specialist accommodation for older people over the next plan period. The Council and the NHS' current approach is to support people's independence as far as possible. The development of assisted living facilities alongside a care/nursing home would support this aim. Such developments must be located in sustainable locations so that residents, employees and guests can be considered part of the wider community and have access to services, facilities and sustainable transport options. Social Services and Housing Strategy and Development are more appropriate to comment on the need for development in the more localised area.

Joint Structure Plan saved policy DS3 gives Hedon the status of a Town and as such is considered a larger settlement with a range of services and facilities. In addition, saved Policy Cf4 of the Holderness District Wide Local Plan (1999) provides support for

residential homes where they are located within established residential areas of larger settlements. This proposal is in the open countryside where development is strictly controlled and would therefore represent a departure from the existing development plan. However, the proposal is located immediately adjacent to the development limit of the town and immediately adjacent to an existing residential area. The applicant has also provided information to demonstrate that there are no alternative sites within the existing development limits that could meet the identified need for this development.

On balance Forward Planning believe this location is considered sustainable because it is immediately adjacent to the existing development limit of Hedon and would help to create sustainable, inclusive and mixed community within the town, meeting the needs of older people, which the NPPF aims to achieve. It is considered that, in principle, the proposal meets the NPPF definition of sustainable development and therefore the presumption of sustainable development applies.

Highway Control

A Traffic Statement (TS) accompanies this application that explains the traffic and transport implications the development is likely to generate and what mitigation measures are proposed to ensure that safe and convenient access and egress onto and off Magdalen Lane - the B1360 - is provided together with off-site highway improvements in the form of a new section of footway on the northern side of the lane.

Vehicular access to the development will be from a location along the site frontage that provides the recommended visibility splays commensurate with the 85%tile speed of vehicles using Magdalen Lane, although to provide these splays the existing landscaping of a large hedge row will require re-locating behind the splay lines or alternatively removing altogether.

The service roads within the site are wide enough to provide two-way passing and also provide pedestrian footways on each side. Parking facilities within the site also accord with the number of bedrooms and staffing levels, disabled parking bays being provided in convenient locations (close to building entrances).

To promote sustainable modes of transport over the use of a motor car adequate cycle parking facilities are provided that are sheltered from the weather. It is anticipated that staff will utilise these facilities due to the sites location being relatively easily accessed from the surrounding residential areas.

A new section of footway from the proposed access to the existing footway on the northern side of Magdalen Lane will provide safe and convenient pedestrian means of entry and exit to and from the development.

Public Protection

There do not appear to have been any previous contaminative uses on the site, however due to the nature of the development advise that as a precautionary measure a condition is imposed requiring appropriate investigation and risk assessment should contamination be found when carrying out the development.

With reference to noise issues, I have studied the plans and there does not appear to be any fixed plant which would give rise to nuisance.

Trees and Landscape Section

The proposals for construction in proximity to existing mature hedges are not in accordance with the British Standard 5837, 2012 recommendations. In addition the proposals in their current form are unclear and ambiguous.

Construction is proposed within the tree root protection areas (RPA's) of hedgerows that are important to retain.

I have no objections to the proposed removal of the three trees, two Ash and a Sycamore, due to their deteriorating condition.

It is unclear how much of the frontage hedgerow will be removed for the visibility splay, no detailed information has been provided.

The proposal to 'open up' substantial sections of this boundary to create a second bridge and fencing is within root protection areas. The Tree Report has identified this part of the proposals as acceptable.

Amendments are required to the scheme to ensure that the recommendations of the Tree Report are adhered to safeguard the future of the existing mature hedgerows around the perimeter of the site.

The proposals map is required to show the tree root protection areas identified in the Tree Report superimposed so that proposed construction in relation to these areas is clear.

In response to Amended Plans:

Happy to accept the amendments detailed in the latest revision of the drawing: DP(9)900 Revision J, which incorporate the comments

of my previous responses. Conditions for tree protection as detailed in the Tree Survey and landscaping with aftercare and maintenance will be necessary.

Public Rights of Way Hedon Footpath no.RL4 (currently in the process of being upgraded to a public bridleway) runs outside the south-east boundary of the site. It is not thought this application will affect the PROW however it should not be obstructed during or post construction.

Yorkshire Water Yorkshire Water has no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public foul water sewer
- 3) The proposed point(s) of discharge of foul water to the public sewer

submitted on drawing DP(9)900 (revision H) dated 01/06/2012 that has been prepared by Fluid Associates.
The submitted drawing shows surface water proposed to be drained to watercourse.
Submitted Flood Risk Assessment is acceptable.

Environment Agency Object.

The submitted Flood Risk Assessment does not comply with the requirements of paragraph 9 of the Technical Guide to the NPPF. It fails to consider how people will be kept safe from flood hazards, the requirement for flood emergency planning including flood warning and evacuation, and fails to give an indication as to the likely attenuation method for surface water.

Need to ensure that the drainage ditch and inlet is adequate to take the discharge.

Require written confirmation from the Local Planning Authority that the Sequential Test has been undertaken in an open and transparent way, to fulfil the requirements of the NPPF, and that it has been passed and added to the planning file for public record.
(Officers Note: This has since been carried out and added to the file)

East Riding of Yorkshire Council should confirm whether the development constitutes an exceptional circumstance of siting development within a 'danger to some' zone. The Local Authority should consider whether the Emergency Evacuation details are suitable.

Objection can be overcome by submitting an FRA which covers these deficiencies and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

Natural England

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

The application is not within/close to a SSSI or SAC notified for great crested newts.

There are suitable features on the application site for newts (for example ponds, hibernation sites, foraging habitat, commuting corridors following a Habitat Suitability Index (HSI) survey).

Detailed newt survey has been carried out at the right time of year and using sufficient survey techniques and effort.

Great crested newts have not been found on the application site/in the study area and neither they nor their habitat will be impacted.

Nature Conservation
Officer (Biodiversity)

A comprehensive series of ecological surveys have been provided in support of the proposals. These have followed accepted guidance. An appraisal of the reports determines that they provide an appropriate level of information about the environmental characteristics of the site and a robust assessment of the likely use of the site, and the broader survey area, by protected species. On the basis of the information available it can be determined that it is unlikely that the proposed development will adversely affect any potentially sensitive species in significant numbers.

Nevertheless, the prevention of damaging impacts to the nature conservation interests of the site and the prevention of deliberate harm to the protected species are significant material considerations in determining this planning application. In addressing these issues the ecologist has, where necessary, provided detailed ecological mitigation and enhancement proposals to offset the negative effects of the development on wildlife, to comply with current wildlife legislation, and to comply with best practice guidelines produced by Natural England and others. These recommendations should be imposed as conditions of any planning approval.

Housing Strategy

Research undertaken for the East Riding of Yorkshire Strategic Housing Market Assessment (SHMA) 2011 indicated that the overwhelming majority of older people in the East Riding wish to live independently, either in their current accommodation or by

moving to supported housing. Whilst independent living is clearly the preferred option, the Council does still commission places in residential homes and the Council's Adult Services department has indicated support for this proposal subject to appropriate care provision, fees and charges. A need for the type of accommodation proposed in this application is likely to remain into the future, particularly for the specialist facilities for those with dementia who cannot be supported at home. The Joint East Riding Health Strategy 2010 estimated that there are currently around 4,665 people in the East Riding with dementia, a figure which will increase.

Although the site is outside the development boundary and would therefore be a departure from current planning policy it is accessible from the town for residents, their visitors, staff and other service providers. It will enable local people who move there to maintain links with Hedon which will contribute to a better quality of life for residents. The assisted living units are clearly well linked into the care homes and offer the possibility of more independent living for either younger people with some care needs, or couples where one partner needs support and who might not be able to continue living together without the possibility of immediate access to care and support when necessary.

Adult Services	Confirm support for proposal conditional on it meeting the needs of people with challenging and/or complex dementias where the care is under the supervision of a Registered Mental Health Nurse, and where people can move in and out of that unit as they progress through the stages of their illness. In Hedon and to the east of the county there are no care homes with nursing. A development with nursing beds in this area should therefore support capacity.
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Emergency Planning Manager	The Emergency Plan has all the elements that you would expect to see in a successful plan.
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The document says that the actual instructions to follow would be contained in staff procedures. There should be no problem with this, as long as the procedures are produced.

6. PUBLICITY

The application has been advertised by press notice, site notices and direct notification to neighbours within 100m of the site. The following responses have been received:

16 letters of objection are summarised as follows:

- Would be built on an area of attractive open countryside.
- The site is in an area of flood risk and will increase flooding in the area.

- Sewage network does not have capacity.
- Increased traffic on Magdalen Lane.
- Impact on traffic network around Hedon.
- Site is outside Hedon's development limits.
- Hedon has become overdeveloped.
- Newer and better sewerage and drainage systems are needed.
- Disruption and mud during construction.
- Lack of car parking in Hedon.
- Lack of public transport at this end of Hedon.
- Increased noise in the area.
- Size and massing of the structure would be overbearing on nearby properties.
- Impact on wildlife and trees.
- There are existing care facilities well established within Hedon that would be more suitable for redevelopment without loss of open countryside.
- Any new jobs would be offset by jobs lost from existing care facilities.
- Proposal is in conflict with Joint Structure Plan policy DS5 as it is not an acceptable form of development in the open countryside.
- There are several other care homes in Hedon one of which has plans to redevelop an existing site (Albemarle) to provide specialist dementia care - the need can therefore be met within the defined settlement boundary of Hedon.
- No evidence has been provided by the applicant to comply with CF4 which requires applications to demonstrate a need for those who prefer to live in rural locations.
- Sequential test methodology applied by the applicant is limited and insufficient.
- Care home development would benefit from Local Plan allocations.
- Insufficient archaeological information has been provided with the application.

9 letters of support are summarised as follows:

- Much needed care facility.
- Dementia care is in very short supply.
- Elderly and people in failing health need to be cared for properly.
- Job creation.
- The gritting depot to the east is also outside of the development boundary.
- The land between the gritting depot and railway line would be a logical extension of the development limits.
- The development can only benefit the town financially in the short and long term.
- Allowing couples to live together in assisted living facility is a good idea.

7. CASE ON BEHALF OF THE APPLICANT

7.1. The applicant has submitted the following documents in support of the application:

- Planning Statement
- Design and Access Statement
- Habitat surveys - including breeding birds, reptiles, Great Crested newts
- Tree survey
- Landscape report

- 3D illustration
 - Flood Risk Assessment
 - Emergency flood risk plan
 - Travel plan
 - Transport statement
- 7.2. The applicant's planning statement concludes that although the site is outside the defined development limits of Hedon other aspects of the Development Plan support this type of development in towns such as Hedon. There is strong support both nationally and locally in social and healthcare for such a facility in such a location.
- 7.3. The development will provide a care facility that meets the aims of national policy in relation to care, wellbeing, independence and choice. At a local level it will meet the aspirations of the Council's strategy for older people.
- 7.4. The proposals are a sustainable form of development that satisfies an acknowledged national and local need. The benefits are significant and represent sustainable development in accordance with the NPPF.
- 7.5. The applicant has provided a copy of a letter from the Council's Head of Business Management which confirms their support of the development conditional on it meeting the needs of people with challenging and/or complex dementias where the care is under the supervision of a Registered Mental Health Nurse, where people can move in and out of the unit as they progress through the stages of their illness. It confirms that in Hedon and to the east of the County there are no care homes with nursing. It supports proposals for assisted living with the potential to access higher levels of support should care needs increase.
- 7.6. The submitted Design and Access Statement concludes that the design of the proposed facility has been carefully developed to provide quality buildings in an appropriate landscaped setting that reflects the site's location at the transition between town and country.
- 7.7. The applicant has also submitted a letter of response to the main comments raised by consultees including the Environment Agency, Humber Archaeology, Tree Officer and other local care home operators.

8. KEY ISSUES

- Planning policy context and principle of development
- Need
- Sustainability
- Highway Safety
- Design and Visual Impact
- Residential Amenity
- Trees and Landscape
- Flood Risk and Drainage

- Archaeology
- Ecology

9. OFFICER COMMENTS

9.1 Planning policy context and principle of development

- 9.1.1. Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) was published on 27 March 2012, and is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.
- 9.1.2. The NPPF sets out the presumption that development which is sustainable should be approved without delay. The three dimensions to sustainable development are economic, social and environmental, and the NPPF stresses that these roles should not be undertaken in isolation. To achieve sustainable development, all three should be sought jointly and simultaneously through the planning system.
- 9.1.3. The NPPF sets out core land-use planning principles including that planning should proactively drive and support sustainable economic development to deliver homes, infrastructure and thriving local places, and that every effort should be made objectively to meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Principles relevant to this application include delivering a wide choice of high quality homes, ensure good standards of amenity, to take account of the different roles and character of different areas, taking account of flood risk, conserving and enhancing the natural environment, encouraging full use of public transport, cycling and walking, and delivering sufficient community facilities and services to meet local needs. It also specifically promotes mixed use developments and encourages the effective use of land.
- 9.1.4. The site lies in an area without specific notation in the Holderness District Wide Local Plan and is in open countryside. It immediately adjoins the development limits of Hedon, which is defined as a Town by policy DS3 of the Joint Structure Plan and as a Local Service Centre by policy YH6 of the Regional Spatial Strategy.
- 9.1.5. Local Plan policy Env30 states that development outside the development limits of individual settlements as defined on the Proposals Map will be treated as development in the open countryside and will only be permitted in certain circumstances. This includes where an agricultural need is demonstrated, or if it is beneficial for the rural economy. It requires development to be of a scale and type that is in keeping with the character of the surrounding area, and safeguards sites important for their landscape, amenity, historical or nature conservation value. It also states that the development should not harm the

landscape setting of settlements. Policy En32 refers to development on the fringes of settlements and states that they must be carefully designed and where appropriate include sufficient open space and landscaping to soften the transition between the urban and rural landscapes. An objector to the proposals mentions that the application is contrary to Joint Structure Plan policy DS5 relating to development in the countryside, however it should be noted that this is not a saved policy of the Development Plan.

- 9.1.6. More specifically, Holderness District Wide Local Plan policies CF4 and CF5 refer to the development of residential care homes. CF4 states the Council's preference for residential homes to be located within established residential areas of larger settlements, however it also states that the Council is prepared to consider more rural locations if there is a proven need for the facility, if adequate on-site facilities are included and there are transport links with nearby towns and villages. CF5 requires residential homes to have direct vehicular access to a publicly maintained highway and to provide or improve vehicular access and car parking facilities to highway authority standards.
- 9.1.7 Policy ENV11 of the Regional Spatial Strategy is applicable to this application as one of its key objectives is to ensure adequate and accessible health care facilities. This is to be achieved by working with commissioners of health and social care to ensure health and social care provision is targeted as close as possible to people's homes, promoting independence and prevention, and, where not possible, to be easily accessible by public transport. This application seeks to meet a specific local need for residential nursing care home accommodation in the locality and thus will help to meet the objectives of Policy ENV11. Moreover, the site is in close proximity to large centres of population both in Hedon and the regional city of Hull. The sustainability of the site is considered in more detail below.
- 9.1.8. No objections have been received from Forward Planning in respect of the location of the site outside the town's development limits.

9.2. Need

- 9.2.1. The NPPF sets out in Section 8 the role of the planning system in facilitating social interaction and creating healthy, inclusive communities. It encourages mixed use developments, safe and accessible environments and the active use of open spaces around developments.
- 9.2.2. As stated above Local Plan policies CF4 and CF5 and Regional Spatial Strategy policy ENV11 support the provision of new health and social care facilities. There is an identified need for additional care home provision both locally and nationally given the ageing population. Standards for care homes have risen over recent years and more specialist care facilities such as the proposed Dementia care home are encouraged. It is estimated that 20% of the population of the East Riding is aged over 65, and this is higher than the national average. In 2001, Hedon and Preston alone had over 1500 residents over the age of 65. The applicant estimates that around 350 people over 65 will need to receive some level of care and this is due to rise to around 570 by 2025. There are currently no nursing beds in this area. More specifically, Dementia care requirements

are increasing (The Joint East Riding Health Strategy 2010 estimated that there are currently around 4,665 people in the East Riding with dementia) but there are currently no specialist homes in the Hedon/South Holderness area. The nearest is in Beverley.

- 9.2.3. Currently there are 83 out of 400 Holderness residents placed in care homes outside of the local area, and 74 outside of the East Riding. These figures do not include privately funded residents needing care. Consequently there is a significant demand for more nursing homes and specialist facilities in this area.
- 9.2.4. The Assisted Living apartments would provide care where one member of a couple can receive the care they need from the nurses on site and allow the couple to keep as much independence as possible. The provision of such a facility is welcomed and would allow couples to stay together where otherwise they would have to live apart.
- 9.2.5. Overall, it is clear that there is a growing ageing population nationally and within the East Riding, including within the Hedon area. The need for additional residential care homes, particularly with nursing care and for elderly mental illness will increase significantly and the current level of provision is unable to satisfy these growing needs.
- 9.2.6. The East Riding of Yorkshire Strategic Housing Market Assessment (SHMA) 2011 indicated that the overwhelming majority of older people in the East Riding wish to live independently, either in their current accommodation or by moving to supported housing. This need would be partly met by the assisted living units. The Council does still commission places in residential homes and the Council's Adult Services department has indicated support for this proposal subject to appropriate care provision, fees and charges. The Housing Strategy Officer has confirmed that although the site is outside the development boundary and would therefore be a departure from current planning policy it is accessible from the town for residents, their visitors, staff and other service providers and it will enable local people who move there to maintain links with Hedon which will contribute to a better quality of life for residents. She considers that the assisted living units are well linked into the care homes and offer the possibility of more independent living for either younger people with some care needs, or couples where one partner needs support and who might not be able to continue living together without the possibility of immediate access to care and support when necessary.
- 9.2.7. It should be noted that the same applicant applied for planning permission for a similar care home facility to the northern end of Hedon in 2009 and this was refused for two reasons including its location outside development limits and within the open area between Preston and Hedon, and insufficient flood risk information. The need for such a facility was not disputed and was indeed supported by Officers and Members. This current site differs because the majority of the site is not within the area covered by Local Plan policy Env31 'Open Space Between Settlements'. A small area of land to the north-east corner of the site lies within this designation, however this does not include any buildings. It would be of a purely open nature including landscaped garden area and a 'circuit path' for exercising.
- 9.2.8. Several objections have been received to the development which appear to be based on

competitive trade reasons including the intentions of an existing care home within the town (Albemarle on Baxtergate) to redevelop as a specialist dementia care facility. However no application has yet been received. It is considered that given the information set out above and the pressing need for dementia care with nursing in this area there would be adequate demand for further specialist care facilities in this town.

9.3. Sustainability

- 9.3.1. The site lies approximately 800 metres from Hedon town centre and it would be possible to walk there safely and easily with the addition of an extended footway along the front of the site. The site is also accessible by a footway/cycleway from Preston to the north and along the adjacent public right of way.
- 9.3.2. The site is not on a bus route however there are a range of bus services to Hull and outlying villages and beyond from the town centre which is a relatively short walk from the site.
- 9.3.3. The majority of the residents are unlikely to own a car, being heavily dependent on daily provision of a wide variety of social and medical care. Therefore, any trips generated by the proposed development would primarily be associated with staff members and visitors. The provision of integral services including café, shop, hairdressers and bar means the potential for trips from the residents themselves is limited. However it is well located for both staff and visitors to access the site by foot and cycle. A Travel Plan has been submitted with the application which details measures for encouraging sustainable transport modes. This would include an employee welcome pack (including walking and cycling maps and information, car share and taxi information, bus timetables etc). Such information would also be made available to visitors.
- 9.3.4. Despite the location of the site outside of the development limits it is considered to be in a very sustainable location given the proximity to the town centre, pedestrian and cycle links and public transport routes. This point in favour of the application is also in accordance with the aims of the NPPF paragraph 14.

9.4. Highway Safety

- 9.4.1. Access to the site would be from a new vehicular access onto the B1360 Magdalen Lane to the south of the site. Additionally a new footpath would be provided on the north side of the road. The access would enter onto a wide and straight stretch of road with good visibility splays (subject to some relocation of the front hedge).
- 9.4.2. The service roads within the site are wide enough to accept two-way passing and provide pedestrian footways. The number of parking spaces (35) would be sufficient in terms of the number of bedrooms and anticipated staffing levels. Covered cycle and mobility scooter parking facilities are also provided. Highway Control Officers are satisfied with the access, parking and traffic generated by the proposal.
- 9.4.3. Some local residents have objected on the basis of increased traffic in the area. However

there is likely to be a steady flow of traffic throughout the day to and from the facility as staff will work in shifts. The majority of residents will not use a car and given the proximity from the town centre as set out in the section on Sustainability, there is good potential for staff and visitors to walk and cycle to the site. The land use should not be judged in the same way as a conventional residential use as there will not be daily commutes or school runs like an average housing estate.

9.5. Design and Visual Impact

- 9.5.1. The site includes two relatively substantial three storey care home buildings as well as a smaller timber clubhouse building. The third storey would be wholly within the roofspace, lit by small dormer windows. A range of materials would be used mainly brick under a tiled roof together with stone and render panel details. The location of the site on the edge of the town, away from the historic core of Hedon with its Conservation Area and Listed buildings, means that there is a variety of building sizes and designs nearby.
- 9.5.2. Immediately opposite the site is a dormer bungalow with steeply pitched roof dating from around the 1970s. This is oriented east, facing away from the proposed development. Further to the west on the south side of Magdalen Lane are modern two storey detached dwellings, and to the north side are older pre-war dwellings both two storey and bungalows. There are a group of attractive two storey Edwardian villas opposite the junction with Belvedere Road which leads onto the modern Inmans Road estate. To the east of site are modern industrial sheds at the Council's depot. There is no uniform character to this part of Hedon although the lack of tall and three storey buildings is noted.
- 9.5.3. The site is relatively self-contained and well screened on all sides by mature hedges and groups of trees. The buildings would be of substantial size and would be clearly seen from a number of viewpoints. However the applicant has attempted to minimise the height and massing by the varied shapes of the buildings and use of gables and differing roof heights, and use of different types of materials. The large amount of open space around the buildings including parking and recreational areas would also help to reduce their dominance. Additional landscaping is proposed to help assimilate the site further into the open countryside. The setting back of the buildings away from the road would reduce their impact both upon users of Magdalen Lane and on the neighbouring bungalows.

9.6. Residential Amenity

- 9.6.1. The NPPF requires planning decisions to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 9.6.2. The nearest residential properties are bungalows to the west and south of the site. The setting back of the care home buildings from the front boundary would significantly reduce the impact on the neighbours in terms of enclosure and/or dominance. The

bungalows to the west have long rear gardens where there is potential for overlooking however given the distance from the dementia care home building (over 30 metres from the nearest garden boundary) and presence of substantial boundary landscaping the impact is not considered to be significant enough to adversely affect living conditions. There would be no dormers in the roof to the western elevation.

- 9.6.3. There would inevitably be more noise in the locality from increased activity at the site and in particular during the construction phase. However the disruption during construction would be temporary and a condition can secure working and delivery hours. When the buildings are operational there would not be any significant noise generated given its care home use primarily by elderly residents. They are by their very nature quiet, low-key and low intensity land uses. As stated above car movements are unlikely to be significant given the nature of the care home and its location close to the town centre of Hedon.

9.7. Trees and Landscape

- 9.7.1. There are a number of trees and hedges on all boundaries of the site but none significant within the site, only scrub grassland. A tree report has been submitted together with plans detailing root protection during construction. A detailed landscaping scheme has also been submitted with the application.
- 9.7.2. The plan as originally submitted encroached upon root protection areas and the Tree and Landscape Officer objected. A revised plan has since been submitted which provides appropriate separation distances from trees and hedges and it now satisfies the Officer. The front hedge along Magdalen Lane would need to be removed for access, the new footpath and visibility splays. However it would be replaced with appropriate species and set back further to allow for highway visibility. The landscaping scheme is also acceptable subject to conditions requiring protection during construction and details of a maintenance scheme.

9.8. Flood Risk and Drainage

- 9.8.1. The Environment Agency flood zone maps show that the site lies in an area of high flood risk - flood zone 3A - and this is confirmed by the Council's Strategic Flood Risk Assessment which further categorises the site as being at danger to 'some' people from defence breaching. The main source of potential flooding is a breach to the defences of the Humber estuary, and a secondary risk of flooding is from the overtopping of the defences to the River Hull, Old Fleet Drain, and Reedmere Sewer (which is closest to the site). There are open ditches on the boundaries of the site (to the north and south east corner).
- 9.8.2. A Flood Risk Assessment (FRA) has been submitted by the applicant, together with a sequential test and exceptions test as required by the NPPF and its accompanying Technical Guidance on Flood Risk.
- 9.8.3. The guidance states that 'highly vulnerable' uses are not permitted within this zone -

there are no such uses within the proposed development. Residential institutions including care homes are classed in Table 2 of the NPPF Technical Guidance as 'More vulnerable' uses. Table 3 of the Guidance indicates that such uses are only permitted in Zone 3a if the Exception Test is passed. The policy aims are that developers should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems, and by allocating space for flood storage.

- 9.8.4. The NPPF requires a Sequential Test and Exception Test for the more vulnerable uses located within the area of high flood risk. The overall aim of the guidance is to steer new development to flood zone 1 and consider reasonably available sites in zone 2. Only where there are no reasonably available site in these zones should the suitability of sites in zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test.
- 9.8.5. This exercise has been carried out by the applicant in addition to the submitted FRA. The Exception Test considers the following tests - a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared; and b) A FRA 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.
- 9.8.6. The applicant's previous application for a care home on the site to the north of Hedon was partly refused because insufficient evidence had been submitted to demonstrate that the requirements of the sequential and exceptions tests had been satisfied. The current application includes a comprehensive sequential test and exception test.
- 9.8.7. The Flood Risk Assessment concludes that the site is at risk from flooding as a result of a breach in flood defences, or a 1 in 100 year storm. During either of these events it is anticipated that the depth of floodwater to the site to be significantly less than 1 metre, with floodwaters covering a very large area surrounding the site. The FRA states that given the precise level of flood water has not been determined, they do not consider it appropriate to provide flood defences in the form of barriers etc, and feel it would be more appropriate to allow the building to flood and incorporate refuge for residents at first floor level and above. The building would be constructed from flood resilient materials and there would be no voids within the external face of the building within 300mm of the finished floor levels to prevent water ingress and electrical apparatus would also be elevated. The proposed finished floor level would be at 3.8m AOD which is approximately 600mm above the average level of the site. The ground floor level of the buildings includes a number of less vulnerable activities e.g. café, hairdressers. There would be safe places of refuge at first floor level and within the roof space of adequate size for all ground floor residents. An Emergency Procedures Plan has been submitted with the application and the Council's Emergency Planning Officer has not raised an objection. The FRA would satisfy the second criteria of the exceptions test subject to agreement by the Environment Agency.

- 9.8.8. The submitted Sequential Test considers alternative sites around the town of Hedon. The restriction to this area has been agreed in advance between the applicant and Officers given that Hedon is where the need for the care home development is centred and it would be inappropriate to locate it elsewhere. 'Reasonably available' sites that could meet the functional requirements of the proposal and at a lower probability of flooding were considered. This includes Local Plan allocations and those put forward as part of the Allocations Development Plan Document. Only two sites were considered suitable for the proposal in the Allocations DPD (HED1f and HED8). All of the sites on the Hedon map for the DPD are in the area of high flood risk. Additionally most of the sites are within the area noted in the SFRA as being at danger to 'most' or 'all' people by defence breaching. The site is at the eastern edge of the least dangerous area from tidal flooding. The other sites noted are also not reasonably available (one is contaminated by bitumen which makes it economically unviable). The Albemarle site in the centre of Hedon has been cited by the operators as being considered for redevelopment, however the site is not currently available and is of a much smaller scale than the proposed development site. The Sequential Test is considered to have been passed for the above reasons.
- 9.8.9. The Exceptions Test also requires it to be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared. As already set out above, the site lies in a sustainable location immediately adjacent to the development limits of Brough, which is a Town in the settlement hierarchy. There is no longer any need to assess the site in terms of previously developed land (which was a former requirement of PPS25). It has good transport connectivity and good opportunities for staff and visitors to reach the site on foot or by cycle. It includes on-site facilities which would make the development partly self-contained. It would provide day care facilities for existing residents of the town, in easy reach of their existing homes. It has been shown that such a facility is needed in the town and would provide significant community and healthcare benefits. A significant amount of local employment would be created (around 110 jobs). This is considered to outweigh the flood risk, which would be minimised by the use of flood protection measures and drainage proposals.
- 9.8.10. The Environment Agency had raised objections to the originally submitted FRA and requested further details regarding the surface water attenuation methods. This has since been amended and details resubmitted to the Environment Agency. Their amended comments are awaited and Members will be updated. Subject to the final approval of the details by the Environment Agency the application would be acceptable in terms of flooding and drainage.
- 9.9. Archaeology
- 9.9.1. The Hedon area is a rich archaeological landscape which contains several heritage assets. The supposed location of the medieval Chantry Chapel of St Mary Magdalene lies within or adjacent to the application site (the precise location has not been identified). In view of the potential significance of the site Humber Archaeology Partnership recommend appropriate measures should be taken to ensure that any heritage assets of archaeological

interest are identified, recorded and safeguarded. They have recommended that archaeological considerations relating to this application should be clarified before permission is granted, including field evaluation by geophysical survey. However it would be unreasonable to request this in advance of granting permission. In this case it is considered that a condition would be sufficient given that the known archaeology potential of the site is limited and it is some distance from the scheduled ancient monuments within the town of Hedon. Humber Archaeology Partnership have confirmed that a condition would be acceptable.

9.10. Ecology

- 9.10.1. A comprehensive series of ecological surveys have been provided in support of the proposals. These have followed accepted guidance. An appraisal of the reports determines that they provide an appropriate level of information about the environmental characteristics of the site and a robust assessment of the likely use of the site, and the broader survey area, by protected species. On the basis of the information available it can be determined that it is unlikely that the proposed development will adversely affect any potentially sensitive species in significant numbers.
- 9.10.2. Nevertheless, the prevention of damaging impacts to the nature conservation interests of the site and the prevention of deliberate harm to the protected species are significant material considerations in determining this planning application. In addressing these issues the ecologist has, where necessary, provided detailed ecological mitigation and enhancement proposals to offset the negative effects of the development on wildlife, to comply with current wildlife legislation, and to comply with best practice guidelines produced by Natural England and others. These recommendations should be imposed as conditions of any planning approval.

10. CONCLUSION

- 10.1. The application site lies outside of the development limits of Hedon therefore is within open countryside in terms of Local Plan policy Env30 which restricts development outside the defined development limits of individual settlements. It does however lie immediately adjacent to the town's development limits. The proposed care home buildings do not lie within the protected open area between Preston and Hedon (although a small part of the garden area does – this would be left open). The need for nursing care homes in particular for dementia care has been demonstrated. The Local Planning Authority is satisfied that there are no other sites within the existing built up area of the town which could accommodate this scale of development (in particular none are at a lower level of flood risk).
- 10.2. The site is considered to be in a sustainable location in easy reach of the town centre of Hedon. An extended footway would improve pedestrian access from the site. Access to the site is good and there would be an appropriate level of parking provision. Most traffic movements would be from staff and visitors rather than occupants. Traffic generation is unlikely to be significant.

- 10.3. The proposed buildings would be relatively substantial and would be seen clearly from a number of viewpoints. However the impact would be minimised by existing and proposed screening and their design details which would break up its massing. The buildings would be well set back in a large landscaped plot and would be well distanced from the nearest neighbouring dwellings. There is not considered to be any significant impact on the living conditions of neighbours given the substantial existing landscape screening around the adjacent public right of way and the distances from their boundaries (at least 30 metres). Conditions can be imposed to minimise disturbance during construction.
- 10.4. The impact on trees, hedges and potential protected species would be acceptable subject to relevant conditions. The site lies in an area of archaeological interest therefore a condition should be imposed requiring investigation.
- 10.5. A flood risk assessment and sequential test / exceptions test have been submitted as the site lies in an area of high flood risk. Officers consider it appropriate that only the Hedon area is considered in the sequential test given that this is where the demand for the specialised care facility is, and Hedon is the most sustainable location within the wider Holderness area. There are considered to be no other sites within the boundaries of the town which could accommodate this scale of development which are at a lower level of flood risk (the whole town lies within Zone 3a). The Environment Agency raised objections to the content of the FRA and revised information has since been submitted. Subject to the approval of the FRA by the Environment Agency (and completion of the Sequential Test) the application is considered to be acceptable and should be approved subject to conditions.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **DEFERRED** for the receipt of comments from the Environment Agency on the revised Flood Risk Assessment. Subject to receipt of their positive comments the application be delegated for **APPROVAL** by the Director of Planning and Economic Regeneration subject to conditions as detailed in section 12 of this report, and any required by the Environment Agency.

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

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. It is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council, therefore, needs to retain a measure of control.

Note: The developers attention is drawn to the fact that this development cannot commence until all the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval. Please note that samples of materials will only be needed if specifically requested. In the event of this, please arrange with the case officer for the samples to be seen on site.

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

This condition is imposed in the interests of satisfactory and sustainable drainage.

4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to ensure that the development can be properly drained.

5. No building shall be occupied until the access roads including the footways, vehicular access to them, parking and manoeuvring facilities and the service vehicle turning facility have all been provided within the curtilage of the site in accordance with the approved Drawing No. DP (9)900 Revision J. These facilities shall thereafter be so retained and not used for any other purpose.

This condition is imposed in order to secure satisfactory vehicular access and to ensure that reasonable and adequate space is provided within residential curtilages to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users and to allow them to enter and leave the highway in a forward gear thus minimizing the risk to other users.

6. Development shall not begin on the site until details of the layout, drainage, construction, levels and lighting of the proposed footpath from the site entrance to the existing footway on the northern side of Magdalen Lane have been submitted to and approved in writing by the Local Planning Authority. No building on the site shall be occupied until this footpath has been constructed and completed in accordance with the

approved details.

This condition is imposed in order to secure a safe and adequate means of access and egress to and from the development for pedestrians and other users, in the interest of road safety.

7. Development shall not begin on the site until the existing hedgerow landscaping fronting the site has been altered or removed to provide visibility splays of 2.4m x 65m and 2.4m x 61m at the proposed access road junction with Magdalen Lane in accordance with the submitted details shown on drawing DP (9) 900 Revision J. These visibility splays shall thereafter be so retained.

This condition is imposed in order to ensure that adequate visibility for vehicles exiting the site is available commensurate with the road speed of Magdalen Lane and consequently providing a safe means of access onto the publicly maintainable highway in the interests of all road users.

8. Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.

This condition is imposed to secure adequate parking, servicing, manoeuvring, loading and off-loading facilities within the site during the construction period of the development for contractors vehicles in the interest of road safety.

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development (as notified in advance to the Local Planning Authority), whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

This condition is imposed because a well designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

However, for the landscaping scheme to achieve these objectives, it is necessary to impose a condition, which will ensure that it is implemented.

10. No development shall take place until a schedule of landscape maintenance for a

minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

This condition is imposed because a well designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

However, for the landscaping scheme to achieve these objectives, it is necessary to impose a condition, which will ensure that it is implemented.

11. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Landscaping works can enhance a development, both for its own sake and for the benefit of the wider area. Trees can fail as a result of a number of causes and it is important that, if the landscaping scheme is to succeed, there is provision for replacement planting.

12. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size, species and maturity, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local

Planning Authority.

The Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or near the site and these contribute to the character of the area . If these trees are to be retained it is important that they are protected from accidental damage during construction work.

13. No development shall take place unless in accordance with the recommendations for mitigation set out in paragraphs 6.0.1 - 6.0.4 of the Breeding Bird Survey (Magdalen Road, Wold Ecology Ltd, April - June 2012) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Breeding Bird Survey report forming part of the application, and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

14. No development shall take place until details of the provisions to be made for habitat creation or enhancement measures as set out in Section 5 of the Breeding Bird Survey (Magdalen Road, Wold Ecology Ltd, April - June 2012) have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in accordance with the recommendations of the Breeding Bird Survey report forming part of the application, to make appropriate provision for natural habitat within the approved development, to conserve protected species and their habitat and to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

15. No development shall take place unless in accordance with the recommendations for mitigation set out in paragraphs 4.1 - 4.6 of the Great Crested Newt Survey (Magdalen Lane, Hedon, Wold Ecology Ltd, March - April 2012) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Great Crested Newt Survey report forming part of the application, and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

16. No development shall take place unless in accordance with the Method Statement provided in paragraphs 4.6.1 - 4.6.3 of the Reptile Survey Report (Magdalen Lane, Hedon, Wold Ecology Ltd, April - May 2012) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority

before such change is made.

This condition is imposed in accordance with the recommendations of the Reptile Survey Report forming part of the application, and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended).

17. Prior to the commencement of the development a further survey of all watercourses within 100m of the proposed development site shall be carried out to establish the presence or otherwise of Water Vole and to update the information on the species and the impact of development. A report of survey together with an amended mitigation strategy as appropriate shall be submitted to and be approved in writing by the Local planning authority, and shall be thereafter be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

This condition is imposed in accordance with the recommendations of Paragraph 6.6.9 of the Phase 1 Habitat Survey report forming part of the application, to ensure that the existence of any water vole at the site is fully investigated and to have regard to the Wildlife and Countryside Act 1981 (as amended).

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Development shall be carried out in accordance with the approved details (Circular 11/95, Model Clause 55).

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area
- ii) an assessment of the impact of the proposed development on the archaeological remains
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

This condition is imposed because the site lies within a medieval and post-medieval landscape; with the site of St Mary Magdalene Chantry Chapel known to have existed within or adjacent to the proposal site.

19. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.

An appropriate investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval. Upon completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to the Local Planning Authority for approval.

This condition is imposed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

20. Development shall not commence until the measures approved in the submitted scheme for the decontamination of the site have been fully implemented.

This condition is imposed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

21. Before any part of the development commences a scheme shall be submitted for the written approval of the Local Planning Authority, which specifies the provisions, to be made for the control of noise and dust emanating from the site during site clearance and construction works. The development shall be carried out in accordance with that agreed scheme.

This condition is imposed in the interests of residential amenity and to prevent a noise and dust nuisance during the development of the site.

22. The hours of site clearance and construction works shall be restricted to the hours 08.00 to 18.00 Mondays to Fridays, 08.00 to 14.00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. This includes deliveries to site.

This condition is imposed in the interests of residential amenity and to prevent a noise nuisance during the development of the site.

23. No development shall take place until the applicant has submitted for approval in writing by the Local Planning Authority details of any external lighting scheme to include details of how to reduce light pollution to the occupiers of adjacent properties and within the open countryside. The development shall be implemented in accordance with the approved details.

This condition is imposed in order to protect local residential amenity and the character of the countryside.

24. The development hereby approved shall only be used as described in the application; a residential care home for the elderly providing nursing care accommodation, including for Elderly Mental Illness (EMI) and dementia patients, and shall not be used for any other use within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended) unless a specific planning application is approved in that respect.

This condition is imposed as the site lies in the open countryside outside of the defined development limits of Hedon. The use as proposed is considered acceptable as it would meet a specific identified local need for additional residential care accommodation with nursing for the elderly, particularly for those with Elderly Mental Illness (EMI) and dementia.

25. The occupation of the 5 assisted living units (shown as 'apartments' on drawing no. DP(0)001 Rev.A) hereby approved shall be limited to a person or persons solely or mainly receiving care administered by the adjoining nursing home hereby approved, or a widow or widower of such a person.

This condition is imposed because the application site lies within an area of open countryside as defined in the development plan. Planning permission is not normally granted for residential development in the open countryside unless there is a proven need in the interests of agriculture or forestry. In this particular case the Councils Department for Children, Family and Adult Services has confirmed that there is a specific need in the locality for Assisted Living Units and therefore on the basis of the specific circumstances of this case it is considered that support can be given to the proposal, however a condition is needed to restrict the occupancy of these particular units.

26. No part of the development shall commence until the Local Planning Authority has approved in writing a report provided by the applicant or their successors in title identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report.

This condition is imposed in the interests of sustainability and to minimise the development's impact on climate change.

27. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	DP(9)901
Site plan	DP(9)900 Rev. J
Proposed Site Sections	DP(9)902
Ground and First Floor Plans	DP(0)001 Rev. A
Second floor and roof space plans	DP(0)002 Rev. A
Ground Floor Plan	DP(0)003 Rev. A
First Floor Plan	DP(0)004 Rev. B
Second Floor Plan	DP(0)005 Rev. B

Roof plan	DP(0)006
Elevations	DP(0)010
Elevations	DP(0)011
Landscape Masterplan	001

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

27. Any conditions as recommended by the Environment Agency

Relevant Planning Policies

The Development Plan for the area comprises the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 adopted in May 2008, the saved policies Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire adopted in June 2005, and the saved policies of the Holderness District Wide Local Plan' adopted in April 1999.

Yorkshire and Humber Plan - Regional Spatial Strategy to 2006

YH1	Key spatial priorities
YH6	Local service centres
YH7	Location of development
HE1	Humber Estuary Sub-area Policy
ENV6	Forestry, trees and woodland
ENV7	Agricultural land
ENV8	Biodiversity
ENV11	Health Recreation and Sport
H4	The Provision of affordable housing
H5	Housing Mix
T1	Personal travel reduction and modal shift
T2	Parking policy

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire

DS3	Nine Settlements (Including Hedon) will fulfil the role of towns
DS7	Infrastructure Improvements necessary for development
SP1	Character and Distinctiveness of Settlements and their setting to be protected
SP4	Landscape character
SP5	Development proposals to achieve a high standard of design
ENV3	Wildlife Protection
ENV7	Protection of Archaeological Remains

Holderness District Wide Local Plan

G2	Sustainable Location of Development
G3	Protection of environment
G6	New Development Considerations
G7	Design Considerations
Env2	Trees and hedgerows
Env30	Development outside development limits
Env31	Open Spaces between settlements
Env32	Development on the fringes of settlements
CF1	Community Facilities
CF2	Level of provision of community facilities
CF4	Residential care homes - location
CF5	Residential care homes - access and parking
U12	Areas susceptible to flooding

National Planning Policy

National Planning Policy Framework (2012)
 Technical Guidance to the NPPF - Flood risk (2012)

Other relevant documents:-

East Riding of Yorkshire Local Development Framework:

Core Strategy Development Plan Document - Further Consultation (October 2011)
 Preferred Approach Core Strategy (May 2010)
 Allocations Development Plan Document - Potential Sites Consultation (May 2010)

East Riding of Yorkshire Strategic Flood Risk Assessment 2010 Level 1

East Riding of Yorkshire Landscape Character Assessment (2005)

East Riding of Yorkshire Council's Commissioning and Resource Plan for Older Peoples Services (2007)

East Riding of Yorkshire Interim Approach on Affordable Housing 2007

Reason for Decision

The application site lies immediately adjacent to the development limits of the town of Hedon. The proposed care home buildings do not lie within the protected open area between Preston and Hedon. The need for nursing care homes in particular for dementia care has been demonstrated. The Local Planning Authority is satisfied that there are no other sites within the existing built up area of the town which could accommodate this scale of development (in particular none are at a lower level of flood risk).

The site is considered to be in a sustainable location in easy reach of the town centre of Hedon. An extended footway would improve pedestrian access from the site. Access to the site is good

and there would be an appropriate level of parking provision. Most traffic movements would be from staff and visitors rather than occupants. Traffic generation is unlikely to be significant.

The visual impact of the buildings would be minimised by existing and proposed screening and their design which has detailing to break up the massing. The buildings would be well set back in a large landscaped plot and would be well distanced from the nearest neighbouring dwellings. There is not considered to be any significant impact on the living conditions of neighbours given the substantial existing landscape screening around the adjacent public right of way and the distances from their boundaries (at least 30 metres). Conditions can be imposed to minimise disturbance during construction.

The impact on trees, hedges and potential protected species would be acceptable subject to relevant conditions. The site lies in an area of archaeological interest therefore a condition should be imposed requiring investigation.

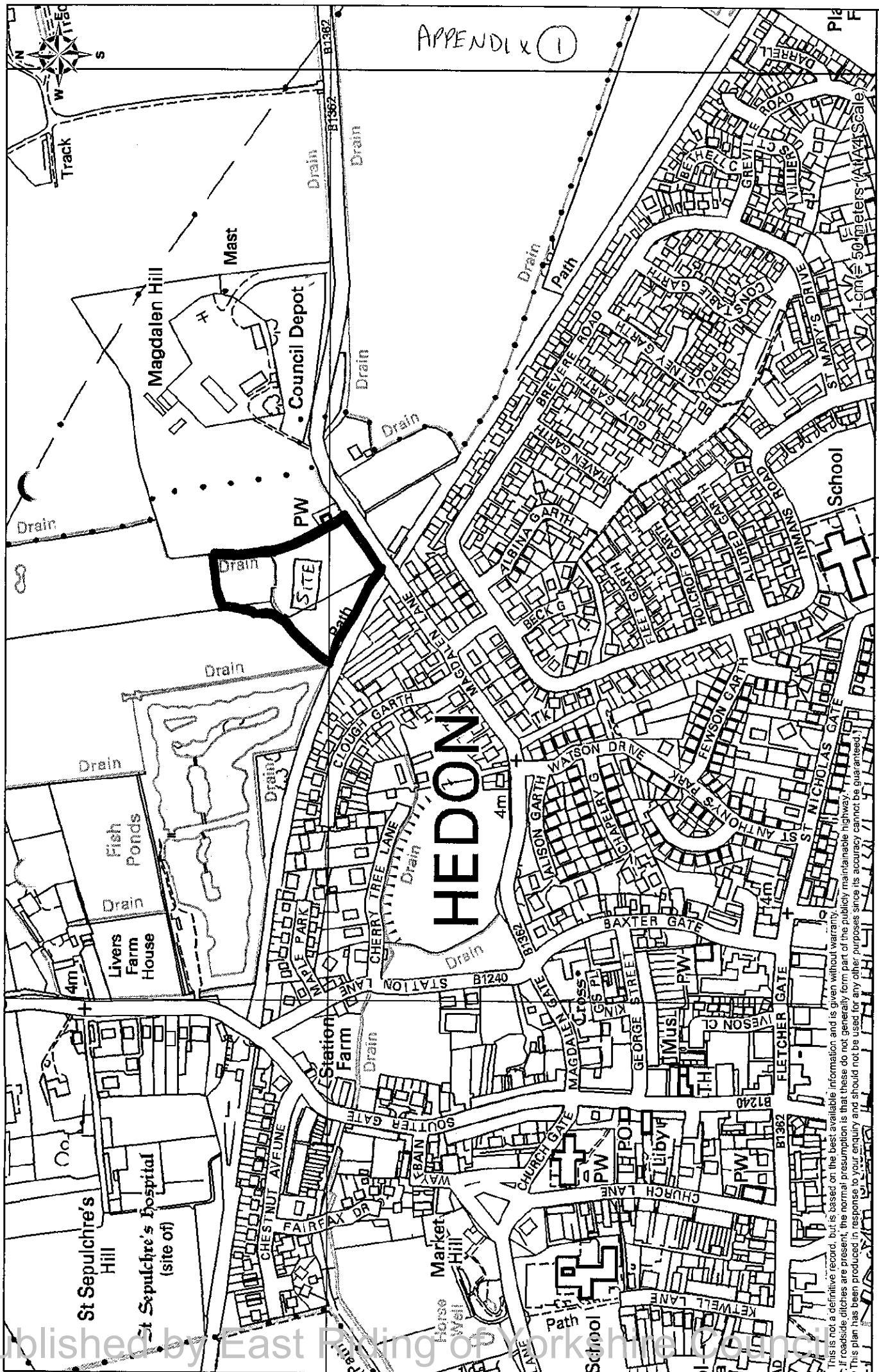
A flood risk assessment and sequential test / exceptions test have been submitted as the site lies in an area of high flood risk. Officers consider it appropriate that only the Hedon area is considered in the sequential test given that this is where the demand for the specialised care facility is, and Hedon is the most sustainable location within the wider Holderness area. There are considered to be no other sites within the boundaries of the town which could accommodate this scale of development which are at a lower level of flood risk (the whole town lies within Zone 3a).

Alan Menzies
Director of Planning and Economic Regeneration.

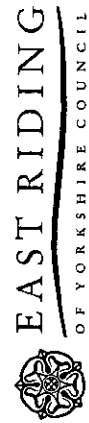
Contact Officer

Mrs Susan Hunt
Principal Development Management Officer
X. 3840

Background Papers



APPENDIX 1



EAST RIDING
OF YORKSHIRE COUNCIL

**Planning and
Economic Regeneration**
Director: Alan Menzies

12/03553/STPLF Magdalen Lane, Hedon

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Revision Table:		
Rev No.	Date	Description of revision

Drawing Notes:

Client: Yorkcare Homes Ltd	
Project: Proposed C2 Care Facility Magdalen Lane, Hedon, Nr Hull	
Drawing Title: Existing Site Plan	Drawing Status: PLANNING
Job No: YH005	Rev No: -
Drawing Number: DP(9)901	Checked By: AWJ
Date: Mar 2012	Drawn By: BC



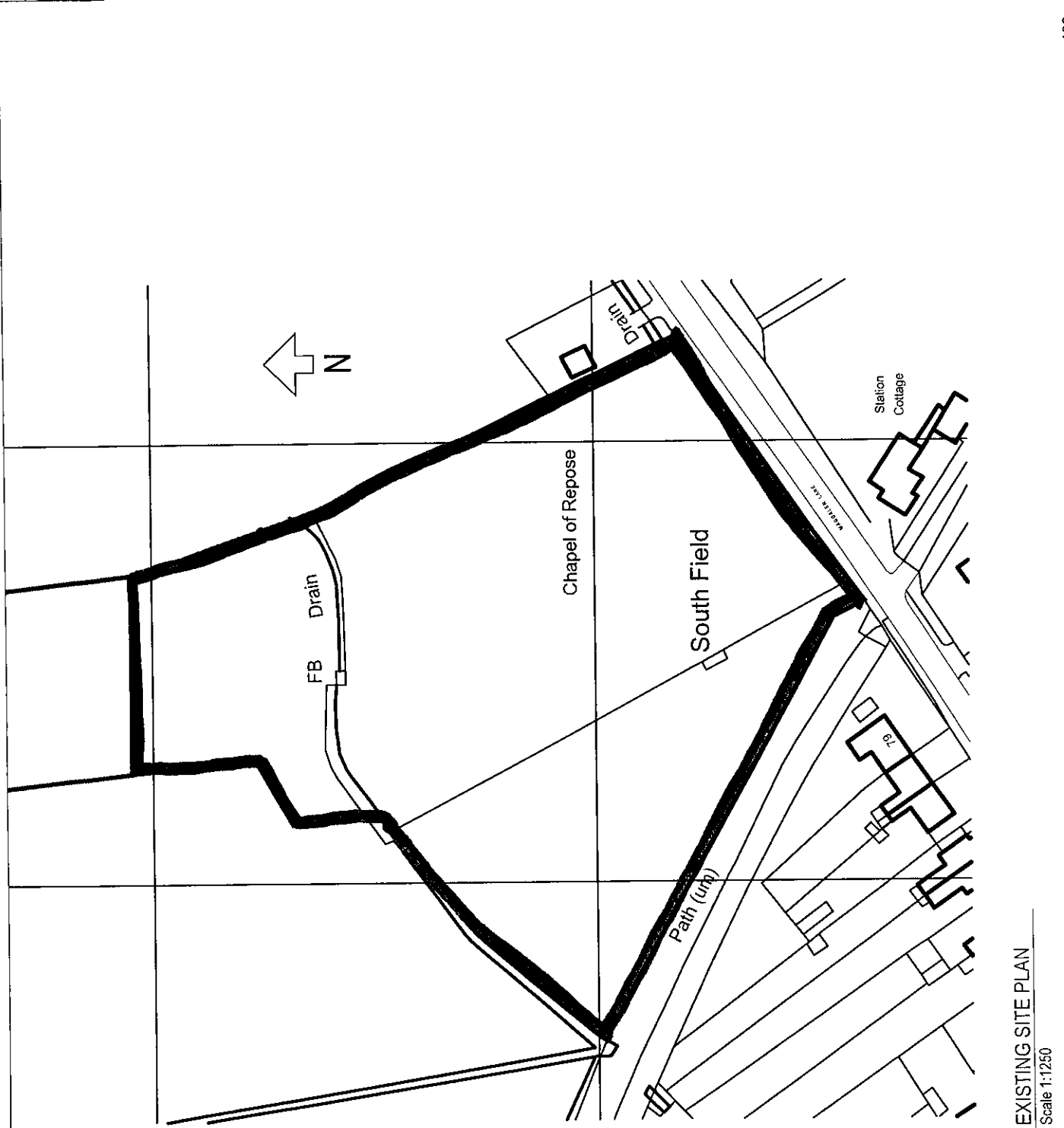
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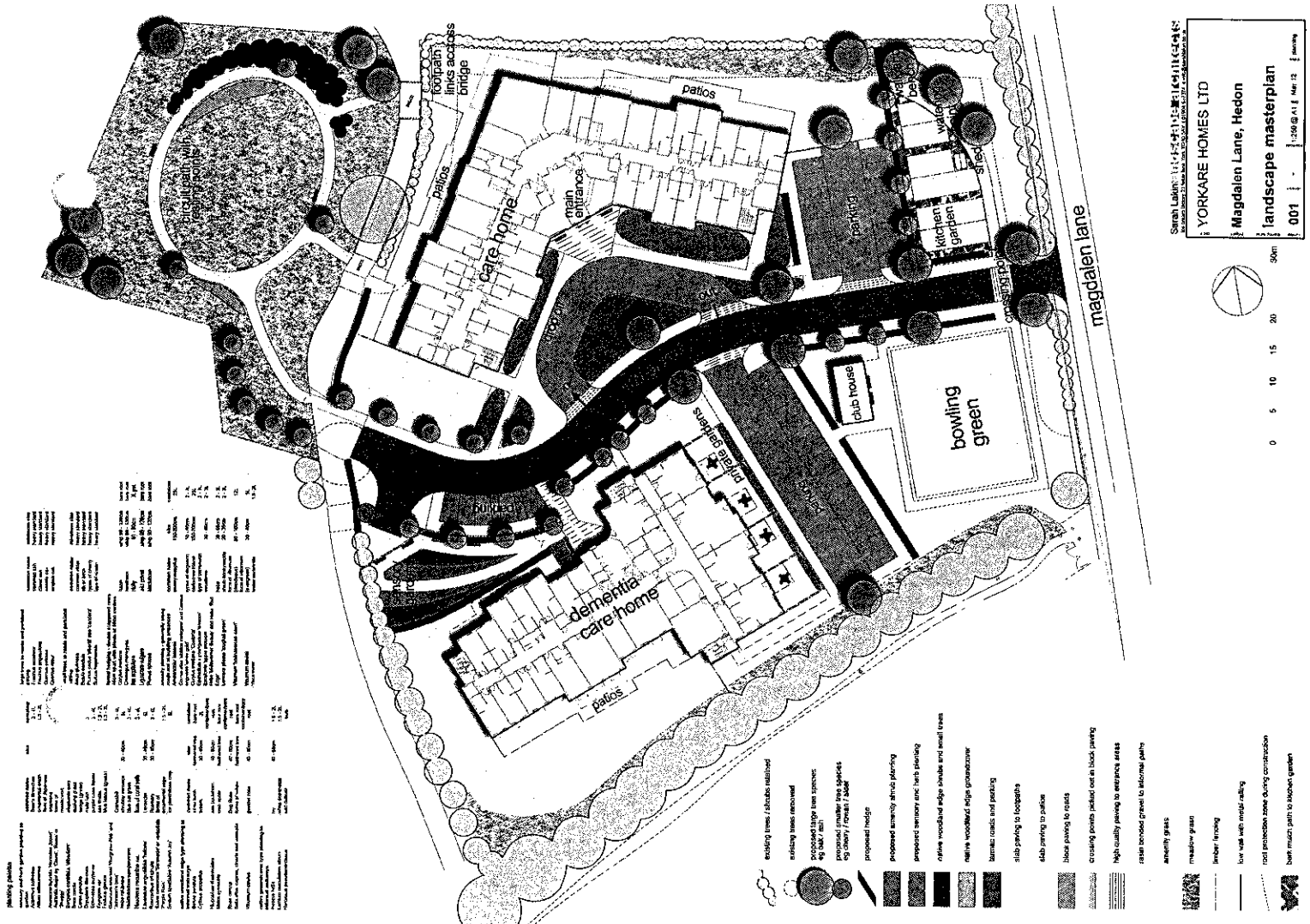
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01 EXISTING SITE PLAN
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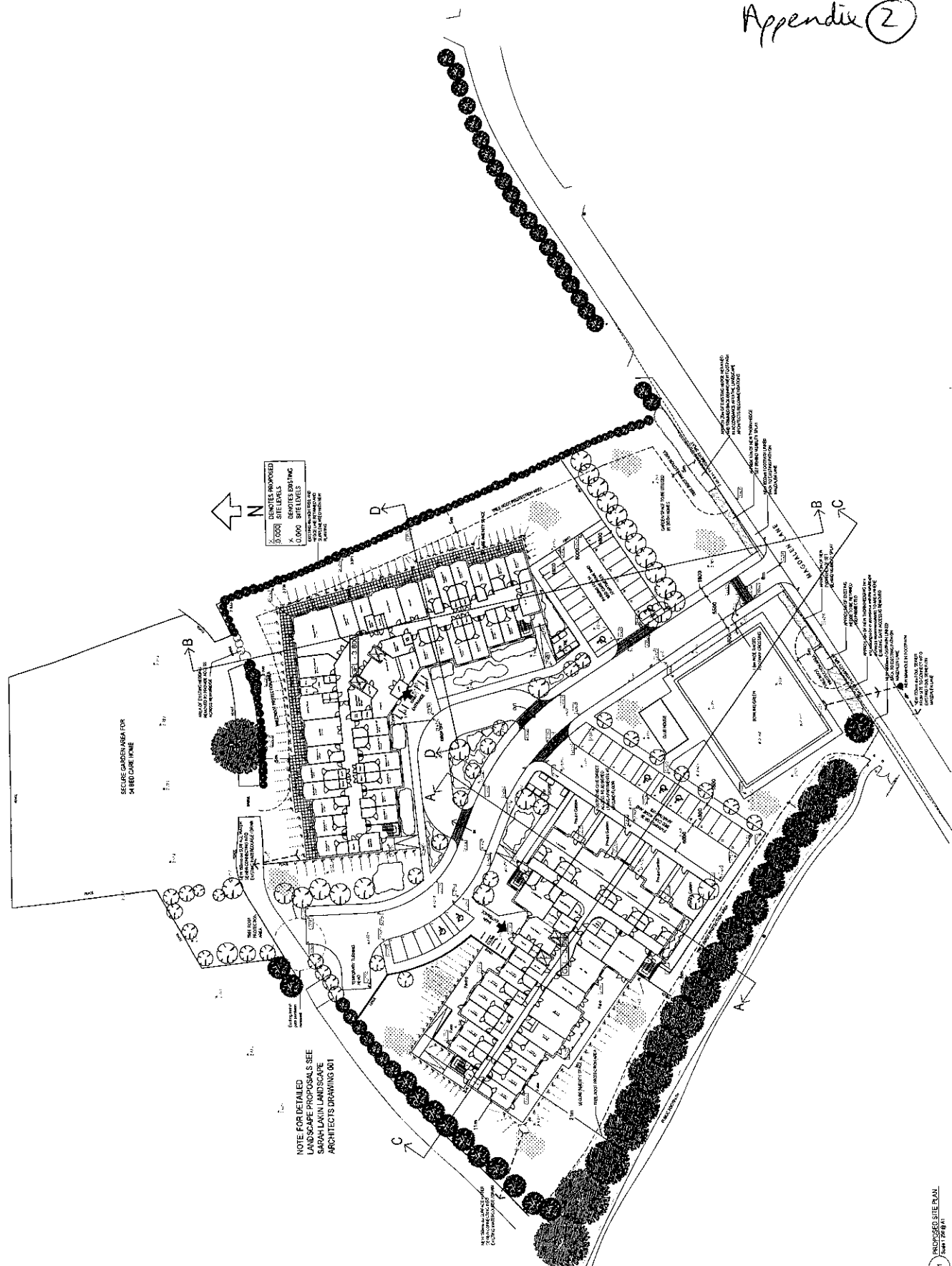


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Product	Proposed Q2 Care Facility
Address	Magdalen Lane, Heldon, N. Hall
Client Ref.	1256/A2
Proposed Site	PUNNING
Plan	Y1005
Drawn By	Planning
Checked By	DP/9900
Date	Dec 2011
Scale	1:250 @ A2
Quantity	CPL
Checked By	ANU

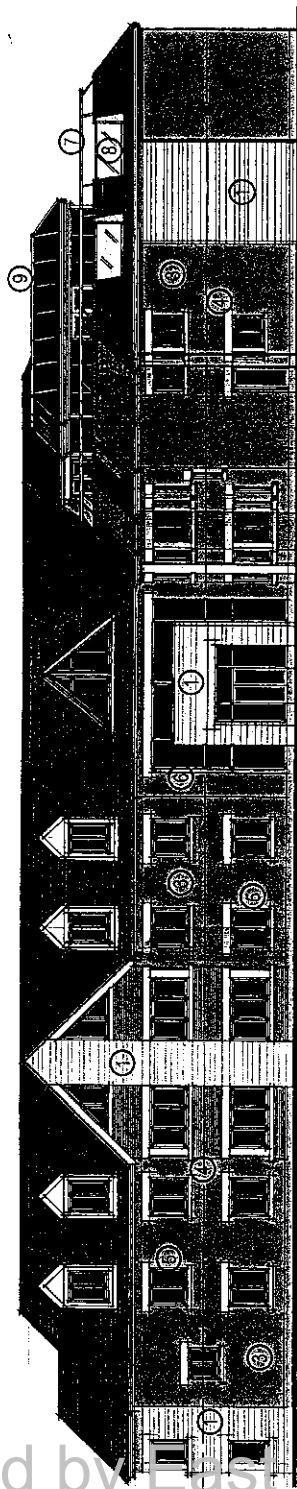
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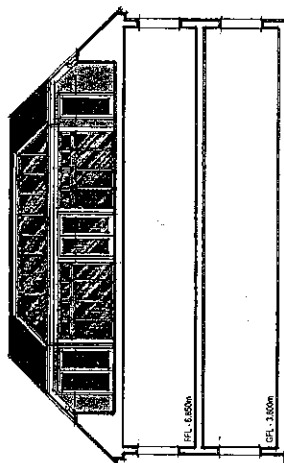
Appendix (2)



Rev. No.	Date	By	Description of Revision



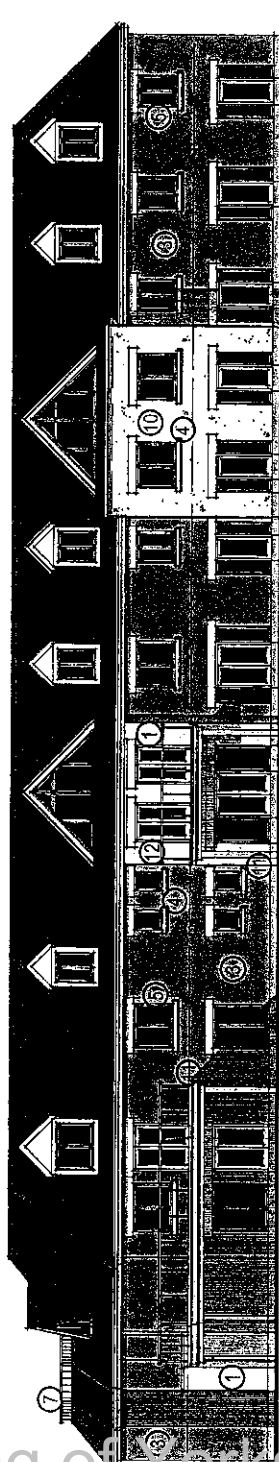
MAIN ENTRANCE ELEVATION



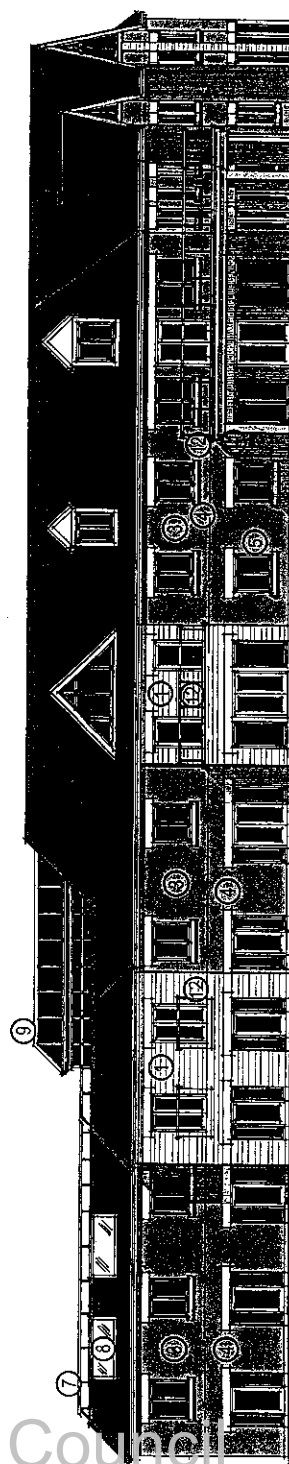
CROSS SECTION THROUGH ROOF TERRACE

MATERIALS KEY:

- ① Stone Rubble Walling
- ② Natural Slate Roof with Contrasting Clay Ridge and Hip Tiles
- ③ Red Brick (Type to be Agreed)
- ④ Arstone Heads and Cills
- ⑤ Aluminium Powder Coated Windows in White
- ⑥ Aluminium Powder Coated Curtain Walling System in Matte
- ⑦ Stainless Steel Balustrading
- ⑧ Toughened Glass Balustrade Panels
- ⑨ Aluminium Powder Coated Sun Room in Matte
- ⑩ Through Colour Render System in Cream
- ⑪ Natural Finished Oak Balcony Structure
- ⑫ Stainless Steel Balustrading with Glass Infill Panels



ELEVATION FACING NORTH



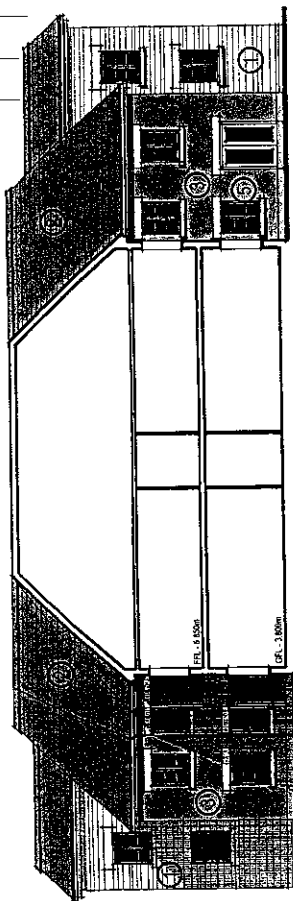
ELEVATION FACING EAST

Appendix (3)

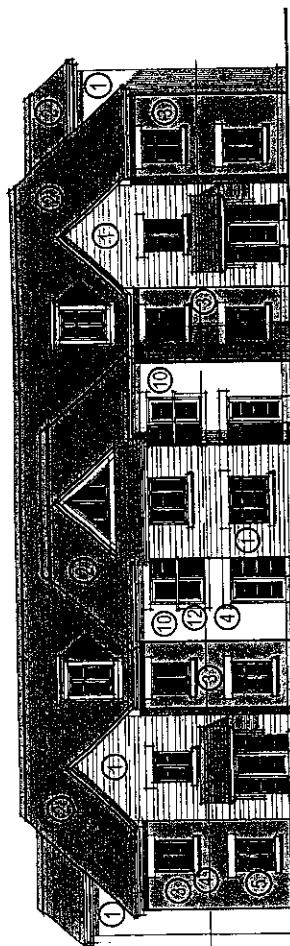
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Project: Proposed C2 Care Facility Magdalen Lane, Hedon, Nr Hull	
Drawing Title: PROPOSED ELEVATIONS	Drawing Status: PLANNING
Job No: 54 BED CARE HOME	
Rev No: YH005	Drawing Number: DP(0)011
Date: Mar 2012	Scale: 1:100 @ A1
Drawn By: AWJ	Checked By: AWJ

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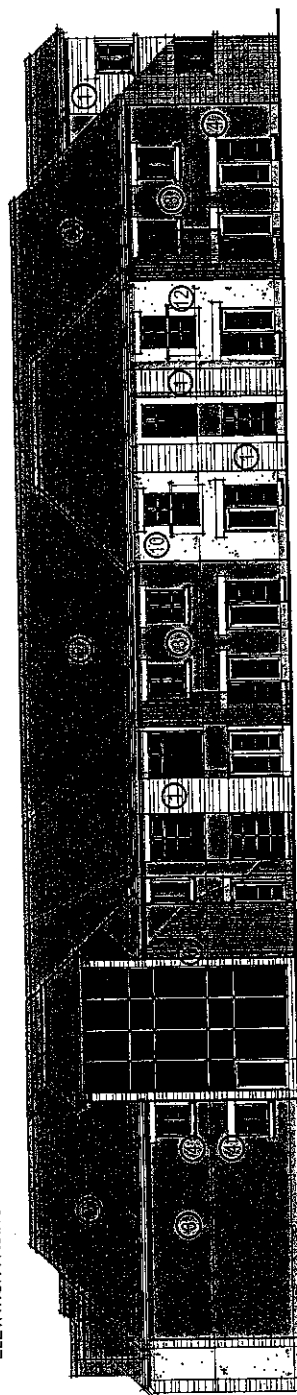
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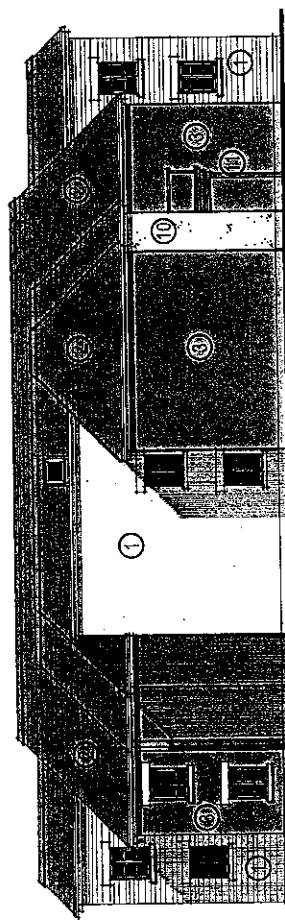
CROSS SECTION THROUGH REAR WING



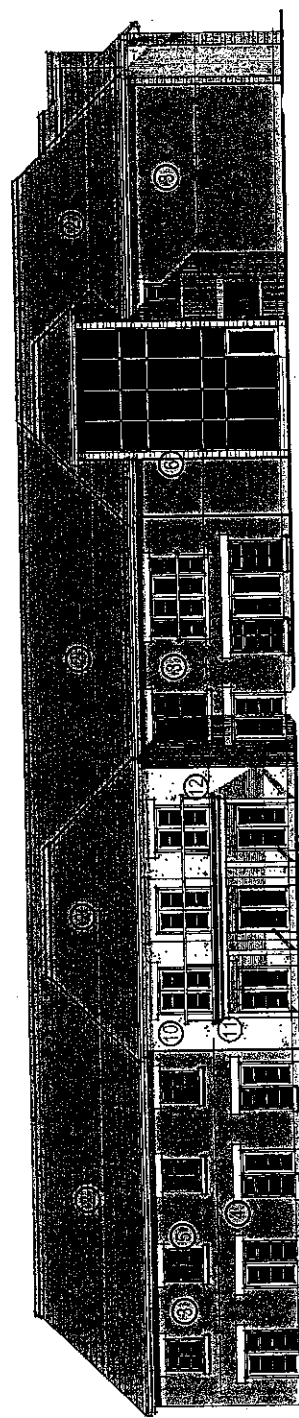
ELEVATION FACING MAGDALEN LANE



MAIN ENTRANCE ELEVATION FACING NORTH EAST



REAR ELEVATION FACING NORTH WEST



SIDE ELEVATION FACING SOUTH WEST

MATERIALS KEY:

- 1 Stone Rubble Walling
- 2 Plain Clay Flat Tile in Colour Mix to be Agreed
- 3 Red Brick (Type to be Agreed)
- 4 Artstone Heads and Cills
- 5 Aluminium Powder Coated Windows in White
- 6 Aluminium Powder Coated Curtain Walling System in Matte
- 7 Stainless Steel Balustrading
- 8 Toughened Glass Balustrade Panels
- 9 Aluminium Powder Coated Sun Room in Matte
- 10 Through Colour Render System in Cream
- 11 Natural Finished Oak Balcony Structure
- 12 Stainless Steel Balustrading with Glass Infill Panels

Client: Yorkcare Homes Ltd
 Project: Proposed C2 Care Facility
 Magdalen Lane, Hedon, Nr Hull
 Drawing Status: PLANNING
 PROPOSED ELEVATIONS
 30 BED DEMENTIA HOME
 Job No: YH005
 Rev No: -
 Drawing Number: DP(0)010
 Date: Mar 2012
 Scale: 1:100 @ A1
 Drawn By: ANU
 Checked By: ANU

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Appendix (3)



Drawing Notes.

Client: **Yorkare Homes Ltd**

Project: **Proposed C2 Care Facility**
 Drawing Title: **Proposed First**
 Drawing Status: **FEASIBILITY**

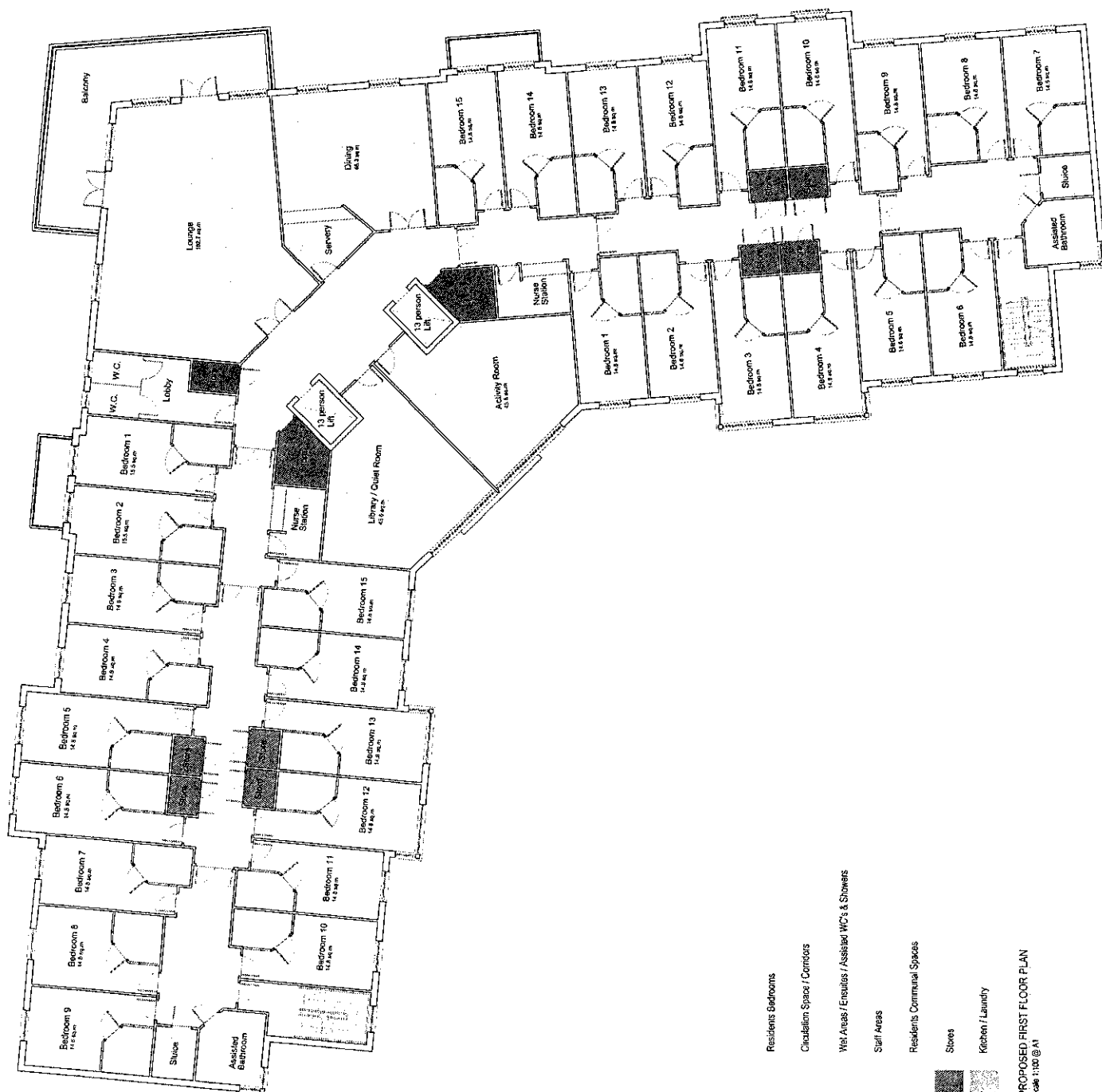
Job No: YH005
Rev No: B
Drawing Number: DP(0)004

Scale: 1:100 @ A1
Drawn By: CPA
Checked By: A/WJ

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4



Residents Bedrooms

Circulation Space / Corridors

Wet Areas / Ensuite's / Assisted WC's & Showers

Staff Areas

Residents Communal Spaces

Stores

Kitchen / Laundry

01 PROPOSED FIRST FLOOR PLAN
Scale 1:100 @ A1

Revision Table

Rev No	Date	By	Description of revision
A	06/03/2012	BC	Layout adjusted to reflect new layout
B	13/03/2012	BC	Layout adjusted to reflect new layout

Drawing Notes

Client: Yorkcare Homes Ltd

Project: Proposed C2 Care Facility
Magdalen Lane, Hedon, Nr Hull

Drawing Title: FENESTRATION

Proposed Second Floor Plan

Drawing Number: DP(0)005

Rev No: B

Drawn By: CPA

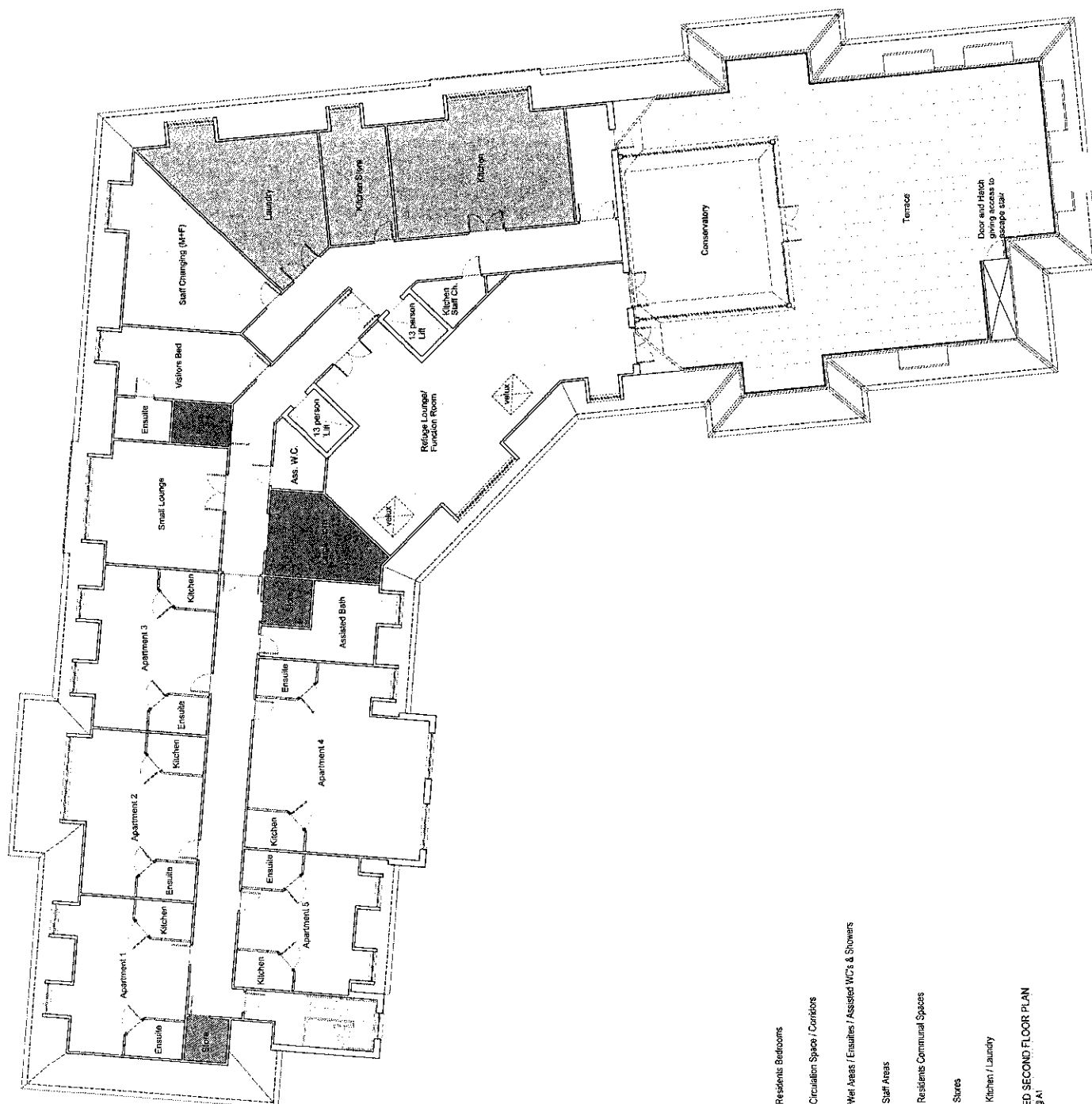
Checked By: AWJ

Date: Jan 2012

Scale: 1:100 @ A1

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CONCEPTS

4



- Residents Bedrooms
- Circulation Space / Corridors
- Wet Areas / Ensuites / Assisted WCs & Showers
- Staff Areas
- Residents Communal Spaces
- Stores
- Kitchen / Laundry

01 PROPOSED SECOND FLOOR PLAN
Scale 1:100 @ A1

