



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 30th September 2010

Subject: APPLICATIONS 10/01593/FU and 10/01594/CA. PART 2 STOREY, PART 3 STOREY, RESIDENTIAL CARE HOME WITH 58 BEDROOMS AND TWO STOREY BLOCK OF 8 EXTRA CARE FLATS, WITH CAR PARKING AND LANDSCAPING AND CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING HEALTH CENTRE. WETHERBY HEALTH CENTRE, ST JAMES'S STREET, WETHERBY, LS22

APPLICANT	DATE VALID	TARGET DATE
HADRIAN HEALTHCARE (NE) LTD	20/04/10	20/07/10

Electoral Wards Affected: Wetherby

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity
Community Cohesion
Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and following completing of a Section 106 Agreement to cover the following matters:

- **Public transport infrastructure contribution of £31,946.**
- **Travel plan and £2,500 monitoring fee.**

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

10/01593/FU

1. Standard Time Limit (3 years).
2. Development in accordance with the approved plans.
3. Walling and roofing materials to be approved.
4. Window and door materials to be approved.
5. Construction methodology to be submitted for approval.
6. Landscape scheme for hard and soft landscaping.

7. Landscape implementation.
8. Landscape retention.
9. Protection of retained trees.
10. Details of works for dealing with surface water discharge.
11. No piped discharge of water until drainage installed.
12. Surface water from the development will be subject to balancing of flows to achieve a minimum 30% reduction of the existing peak flow rates from the site (around 100 litres per second per hectare of existing hard surface formally drained). Details and calculations in support of this shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. The development shall be carried out in accordance with these approved details. Reason – To ensure compliance with the Council’s Minimum Development Control Standards for Flood Risk.
13. Submission of contaminated land reports.
14. Provision for archaeological recording.
15. Development to remain in C2 use as a nursing home.
16. Development shall be carried out in accordance with the Mitigation and Compensation method statement in Section E of the Bat Risk Assessment report (reference 1942) and:
 - a. If a period of greater than 12 months elapses between demolition of the existing building and the creation of the new roost features referred to in section E.6 of the above report provision shall be made for the creation of alternative roost sites in a location to be agreed in writing by the Local Planning Authority.
 - b. Prior to first occupation of the site a written report to be prepared by a suitably qualified ecologist confirming compliance with the mitigation method statement shall be submitted to and approved in writing by the Local Planning Authority.
17. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall be implemented in accordance with the approved details and retained as such thereafter. Reason – To prevent possible disturbance to bats.
18. Vehicle areas to be completed.
19. Notwithstanding the details shown on the approved plans the ambulance bay shall be kept clear of obstruction at all time. Reason – So that ambulances can access the site freely and without delay.
20. Notwithstanding the details shown on the approved plans the proposed solar panels shall not be erected until full details of the make, design, size, colour, materials, fixings and location have been submitted to and approved in writing by the Local Planning Authority. The proposed solar panels shall be erected in accordance with these details and retained as such thereafter.
21. Notwithstanding the details shown on the approved plans no development shall commence until full details of the access arrangements for the extra care home flats, to include confirmation of the right for residents to access the site, has been submitted to and approved in writing by the Local Planning Authority. The access and parking arrangements shall be implemented in accordance with the approved details and retained as such thereafter.

Reason for Approval – The application is considered to positively enhance the Conservation Area, to respect the setting of the adjacent listed building, and to provide a use that is in demand within the area. The application is considered to comply with policies GP5, GP11, H4, S2, N12, N13, N18A, N18B, N19, N23, N25, N29, BD5, BD6, BC7 and BC8 of the adopted UDP Review, as well as guidance contained within PPS1 and PPS5 and, having regard to all other material considerations, including amenity, is considered acceptable.

1. Time Limits
2. Plans to be approved
3. The demolition hereby approved shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site in accordance with planning approval 10/01593/FU has been made and submitted to and approved in writing by the Local Planning Authority, or the a scheme for landscaping is submitted and agreed by the LPA until such a time that the care home is implemented.

Reason for Approval – The application is considered to remove a building that detracts from the Conservation Area and brings the site back into positive use. The application is considered to comply with policies N18A, N18B of the adopted UDP as well as guidance contained within PPS5, and, having regard to all other material considerations is considered acceptable.

1. INTRODUCTION:

- 1.1. This application was deferred at Panel on the 2nd September 2010 following a request at Panel from Councillor J Procter that a site visit be carried out.
- 1.2. These applications are brought to Plans Panel following a request from Ward Councillor John Procter. It is considered that due to the size and scale of the proposed development there is potential for impact on the built environment and the character of the Conservation Area and of Wetherby. It is considered that the implications of the development are wider than just the immediate locality.
- 1.3. Two applications are under consideration here, one is for conservation area consent for the demolition of the existing health centre building on the site and the other is a full application for a new care home and a new block of extra care flats.
- 1.4. The application is outside of the determination period so the applicants could consider an appeal against non-determination.

2. PROPOSAL:

- 2.1. 10/01594/CA seeks consent to demolish the existing health centre on the site.
- 2.2. 10/01593/FU seeks consent for a part two storey, part three storey residential care home with 58 bedrooms and a separate block of eight extra care flats with associated car parking and landscaping.
- 2.3. The residential care home will be sited on the location of the current health centre and is proposed as an L shaped building which follows the building line of the adjacent St James's Church. The home will be accessed by the existing access road off St James's Street and this will lead to a parking area for 14 cars along with an ambulance parking area, bin storage area, and cycle parking.
- 2.4. The building is positioned so that an internal private garden area is created to the south east corner of the site incorporating a bowling green. A wedge of landscaping will also be provided along western boundary with the public footpath that provides access from the public car park to the town centre.
- 2.5. The care home is spread over three floors with 19 single bed units to the ground floor, 23 single bed units to the first floor and 16 single bed units to the second floor. There are also associated provisions, such as living rooms, dining rooms, bathrooms, lifts, kitchens, hairdresser, health rooms and ancillary office, storage, and maintenance areas.
- 2.6. The building is part three storey and part two storeys with the highest point at the apex of the L stepping down to both sides. Gable features and bay windows provide relief and interest to the elevations.

- 2.7. The Extra Care flats are located to the south of the care home within an adjacent square of land which has previously been associated with the New Inn public house. This is proposed as a square building, two storeys in height with four parking spaces accessed from the New Inn car park. The two buildings will have a footpath link through the existing boundary wall that runs between them. The extra care flats provide eight units for residents who are unwilling or unable to remain in their own homes, but who can still maintain some level of independence.
- 2.8. Materials are proposed as coursed natural stone, grey slates to roof with terracotta ridges, timber windows and doors, timber soffits and fascias and black Upvc gutters.

3. SITE AND SURROUNDINGS:

- 3.1. The application site incorporates both the former health centre site and an area of land currently grassed over to the rear of the New Inn public house. The site is a large plot within the town centre area. The health centre is a part single storey, part two storey, modern building, now boarded up, surrounded by hard paving and grass. The roof is asymmetrical so that on the access road side the building rises almost to 3 storey height, higher than adjacent dwellings. The health centre has relocated within Wetherby town centre.
- 3.2. Adjacent to one side is St James' Church, a grade 2 listed church with graveyard, and some mature trees of good appearance. The church is approximately 2 storey's height with a square tower equal to approximately 3 storey building height. To the opposite side lies a public car park and a number of commercial properties including the one-stop shop (a high two storey, red brick building). A ginnel, bounded by low stone wall gives access through to main town centre and retail areas. On the western side of the ginnel is St Joseph's church, a modern building of mixed height and roof forms varying between single storey and three storey heights. The New Inn is an older building, of traditional vernacular and built of limestone. It is 2 storeys high but has rooms within the roof space. Buildings within the nearby centre are a mix of two and 3 storey heights.
- 3.3. To the north of the site is a line of modern dwellings which are 2.5 storeys high with rooms in the roof, built out of a red/orange brick. Older properties along this road are two storey and red brick or render, some have converted roof space. Immediately adjacent to the site, to the northern boundary, and overlooking the car park is a 3 storey, rendered, commercial building housing a chemist and an undertakers.

4. RELEVANT PLANNING HISTORY:

- 4.1. 09/01451/OT - two storey office building. Approved 23/12/09. The development has not been implemented and no reserved matters application has been submitted. The outline permission is still extant.
- 4.2. 31/331/04/FU - new roller shutter to side entrance to medical centre. Approved 17/08/04.

5. HISTORY OF NEGOTIATIONS

- 5.1. The applicants undertook the major pre-application process through which they were provided with advice on design, access, parking etc. The principle of development was accepted.
- 5.2. Through the application process a number of discussions have been held with the applicants to discuss, in particular, design issues which have resulted in amendments to the siting and appearance and in particular to the height and roof form of the main building and has also resulted in a reduced footprint to the extra care flats.

6. PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices (notice of proposed major development which affects a right of way and the character of the conservation area) posted 28 April 2010, expiry date – 19/05/10.
- 6.2 One letter received from Wetherby Silver Band who raises concerns regarding construction, proximity of the extra care flats and noise. *The Extra Care flats have been reduced in size and moved away from the band room. Construction issues can be dealt with by means of a condition, and noise is discussed below.*

7. CONSULTATIONS RESPONSES:

Statutory:

- 7.1. None required.

Non-statutory:

- 7.2. Highways DC – No objections subject to some revisions. *Revisions have been submitted and the scheme is now acceptable..*
- 7.3. Public Transport Infrastructure – Proposed use will have significant travel impact. A financial contribution of £31,946 required.
- 7.4. Travel Plan – Requires S106 and Evaluation fee of £2,500. Further work on Travel Plan needed before it is acceptable. *Travel Plan has been revised and is now acceptable.*
- 7.5. Metro – Bus stop numbers 14896 and 27895 require raised kerbs at cost of £3000 each. *The bus stops are located, to the east, some 0.5Km distance from the care home and serve a limited route towards Linton or Wetherby Town Centre. The service frequency is hourly with little service during evenings or on Sundays. It is considered more likely that residents and visitors to the site would walk into the main bus station (a similar distance in the opposite direction) to catch a bus rather than utilise these particular bus stops as the choice of services and destinations would be better. It is therefore considered that the proposed alterations would not comply with test ii of the Community Infrastructure Levy rules (see paragraph 10.20 below) in that the contribution would not functionally and practically relate to the proposed development. For this reason the proposed enhancements are not requested.*
- 7.6. Architectural Liaison Officer – recommend electric sliding gate to restrict access. Paths within site should be short, direct and open view. All planting around paths will be kept low and thorny, lighting should be coordinated. Landscaping should ensure natural surveillance. All entry points should be secure. Flush fitting fall pipes.
- 7.7. Environmental Protection – No comments.
- 7.8. WYAAS – Archaeological recording should take place, potential finds under ground. *This is currently being carried out in liaison with WYAAS.*
- 7.9. PROW – Public Footpath no. 5 Wetherby abuts site with definitive width of 1.2m. No objection as long as footpath remains open.
- 7.10. Mains Drainage – require a drainage assessment. *Now submitted and being assessed.*
- 7.11. Land Contamination – Scope of works required. *Following submission of further details conditions are recommended.*
- 7.12. SDU Ecology – A number of bat roosts have been identified in the existing Health Centre building. Mitigation measures recommended.

8. PLANNING POLICIES:

Development Plan –

8.1. The statutory Development Plan is made up of the Unitary Development Plan Review, along with relevant Supplementary Planning Guidance/Documents. Under the UDP the site is designated as within a Conservation Area, and within an S2 Town Centre.

8.2. Unitary Development Plan (Review) (UDPR)

- GP5 – general planning considerations.
- GP11 – sustainable development.
- H4 – Main urban areas.
- S2 – Town Centre.
- N12 – Urban design principles.
- N13 – building design principles.
- N18A – Presumption against demolition of buildings in Conservation Area which make a positive contribution.
- N18B – Detailed redevelopment plans need prior to demolition.
- N19 – new build and extensions within Conservation Areas.
- N25 – appropriate boundary treatments.
- N28 - Archaeology
- BD5 – general amenity concerns.
- BD6 – alterations and extensions to match existing.
- BC7 – use of traditional local materials.
- BC8 – demolition of unlisted buildings in Conservation Areas.

Relevant supplementary guidance –

8.3. Neighbourhoods for Living.

8.4. Wetherby Conservation Area Appraisal and Management Plan - The site is located within the later 19th century expansion area where the key characteristics include the use of oolitic magnesian limestone, slate roofs and timber windows. Buildings are predominantly two-storey high with gardens enclosed by low walls. Terraces and bays feature prominently in this area. The southern part of the site however, is within the historic core where key characteristics include levels of high activity, two storey buildings tending to three in areas of high activity, use of limestone etc. The appraisal requires that new development shall relate well to the local geography, respect important views, respect the scale of neighbouring buildings and create new views where possible. The adjacent St James Church is both a listed building and building of positive character in the Conservation Area. It should be noted that the Conservation Area was extended to include the site in March 2010 so all pre application advice given was on the basis of the site being adjacent to the Conservation Area only and not within it.

Government Planning Policy Guidance/Statements

8.5. PPS1 – Delivering Sustainable Development

8.6. PPS3 – Housing

8.7. PPS5 – Historic Environment.

9. MAIN ISSUES

- Principle of Development and Sustainability

- Impact on Conservation Area
- Residential Amenity
- Trees and Landscaping
- Highway Issues
- Other Issues.

10. APPRAISAL

Principle of Development and Sustainability

- 10.1. The site lies within the town centre and would be close to the main shopping area. The C2 use proposed is acceptable in such a location, particularly as the site is currently vacant, and there will be no displacement of any town centre uses.
- 10.2. There is a recognised need for care home facilities in the outer north-east area, an issue which was brought out during the Cragg Hall Farm appeal in September 2009. This appeal site is located on the boundary with Linton and Wetherby within the green belt boundary and the appeal was against the refusal by the Council to approve a nursing home of the same size as that proposed here. During the appeal the Inspector accepted the need for care home provision in the Wetherby area (based on evidence provided by Social Services) but queried the suitability of this location as it was considered remote from services and facilities with poor accessibility. The appeal was dismissed on these grounds, as well as the harm to the green belt. During the appeal hearing the site of the former health centre was discussed as a good option for a care home facility, it being vacant and up for sale at the time. This location is considered to provide a central facility close to services and facilities with good accessibility. The proposal also reuses previously developed land. The proposal is therefore considered to comply with the principles of sustainable development and with policies GP11, GP5 and H4.

Impact on Conservation Area

- 10.3. The proposal to demolish the existing health centre is not objected to. The building was vacated some time ago when a new facility opened nearby. The current building is of modern construction of no architectural merit and cannot be considered to enhance the local area.
- 10.4. The site has only very recently been included with a Conservation Area however, from the early stages the proposal has been considered in terms of its impact on the Conservation Area and this has led to discussions over the most appropriate siting, form and materials for the proposed building.
- 10.5. The care home takes its building line as a continuation of the line of the adjacent St James's Church, which is an important feature within the area. This results in it being slightly offset with the line of the public footpath on the western boundary. This is not considered detrimental to the area, and allows for a wedge of landscaping to be inserted in front of the care home, providing a green setting for the building.
- 10.6. The building is part three parts two storey, which would be considered high in the particular character area in which the site is based. However, it is recognized that this immediate area is also an area of high activity with a number of civic buildings including the Council offices, churches, offices and retailers, surrounding the site of varying heights, including three storeys. The building borders an open area which is currently used as a public car park and as result of this siting, it is considered that a building of some prominence will sit comfortably. Furthermore, the building steps down to two storeys, along both lengths, which respects the scale of the adjacent buildings and in particular, the adjacent listed church.

- 10.7. The elevations take cues from surrounding buildings in the conservation area including the use of gables and bay windows to ensure a vertical emphasis and the creation of terracing features through the provision of doorways along the elevations. Although materials are still to be agreed it is anticipated that coursed stone would be used for the walls with artstone heads and cills, grey slates to the roofs, with the ridge in terracotta, and timber for sash windows and doors. Within the roofscape the number of dormers and rooflights has been kept to the minimum necessary to avoid cluttering this element, and chimneys also provide the feel of a terrace of residential properties. The extra care flats also incorporate such features within a smaller two storey building.
- 10.8. Both the proposed buildings sit comfortably within their respective sites and suitable provision for landscaping has been made around them so that they will not dominate the spaces in which they sit. Care has been taken to ensure that views of St James Church tower are retained. Currently the site has an open vista across to the church, although the church itself is screened by a number of mature trees within the churches boundaries. Development of the site does mean reducing the views, however; important sights will still be retained between both the proposed buildings and between the proposed buildings and existing ones.
- 10.9. The setting of the listed building must also be considered due to the proximity. The church sits within its grounds and the boundary with the application site is screened with large, mature trees. The proposed building has its main bulk furthest away from the church with gardens and lower height parts of the building in closest proximity. It is considered that this arrangement respects the setting of the church and its grounds and will add to the landscaping of the area.
- 10.10. Given the above considerations it is considered that the proposal is responsive to its siting and will produce a building of some note and merit within the Conservation Area. Overall the removal of the existing building and the erection of the proposed building are considered to result in a positive enhancement to the Conservation Area, in terms of its use and character, and the scheme is considered to be in compliance with policies GP5, N12, N13, BC7 and BC8 subject to conditions to control details.

Residential Amenity

- 10.11. As the site is within a town centre location there may be expected to be a higher than normal noise level around the site. This does not however mean that residential use is incompatible and there are existing residential properties adjacent to the site.
- 10.12. A noise survey has been carried out by the applicants, which has found that noise levels are not of a level where any special mitigating measures would need to be installed within the building or around external areas. The noise survey also looked at the use of the adjacent pubs site, but found no significant activity at the premises during either day or night surveys. Council environmental health officers have reviewed the scheme and have raised no objection to it. On these grounds it is considered that future residents will have a reasonable level of residential amenity and will not be detrimentally affected by virtue of noise and disturbance.
- 10.13. Residents living in the care home are provided with a private garden area and soft landscaping to the front, which will provide a pleasant outlook and amenity space which can also be accessed by the residents of the extra care flats, with a link provided into the garden area through the existing boundary wall. Landscaping along the footpath boundary, will provide some screening of the bedroom areas, however the applicants have stressed that residents often prefer to have a visual outlook over active areas in order to provide stimulation throughout the day.
- 10.14. The closest dwellings to the site are some 28m from the building itself and there is a distance of 14m to the nearest garden boundary. This is considered suitable to ensure

that residents have adequate outlook and that existing residents in the area are not harmed by over looking, overshadowing or over dominance of the proposed buildings.

- 10.15. The Wetherby Silver Band have written raising concerns regarding noise from the band room, which is adjacent to the south eastern corner of the application site. Currently the band room is used twice a week in the evenings with additional rehearsals as required. Whilst this may be considered to generate a certain amount of noise this will not be prolonged, nor will it necessarily be considered unacceptable by residents. The band group have written directly to the applicants so that they are fully aware of the use of the band room and the applicants themselves have raised no concerns on these grounds. It is not considered that this issue raises any concerns in planning terms.
- 10.16. On the whole the proposal is considered to provide suitable amenity for the intended residents and will not detrimentally impact on existing residents. There are no issues of noise that cannot be dealt with through standard mitigation measures such as use of double glazing. The proposal is considered acceptable in amenity terms and complies with policies GP5 and BD5.

Landscaping and trees

- 10.17. There are several mature trees considered to be of benefit to the area that are sited within the St James's Church site but which overhang the site boundaries. An arboricultural report has been submitted, which indicates the retention of these trees with protection measures to be put in place to ensure they are not harmed. The landscaping around the site is indicative at the moment but there are two small trees within the site which are scheduled for removal. There will be a number of small trees and shrubs planted as well as the setting out of formal planting areas.
- 10.18. The existing boundary walls which are considered to be good features within the Conservation Area are to be retained although new openings will need to be created for pedestrian accesses. These will be tidied up with stone pillars to match. There are no specific concerns raised with regard to the indicated landscaping scheme and it is considered that this issue can be adequately dealt with through conditions for the submission of a full landscaping scheme, implementation proposals, management plan and protection of retained trees.

Highway and access

- 10.19. The proposed access points via St James Street and the New Inn pub are considered acceptable for the level of use intended and amount of parking provision is also considered appropriate. Access to the extra care flats involves going through the New Inn pub car park, the agents have advised that the applicants do have formal arrangements for use of this access and this includes for site construction traffic.
- 10.20. Suitable provision is made for disabled parking and ambulance parking areas, and for the turning of large vehicles within the site. Provision is also made for the storage of bins. It is considered that the proposal raises no concerns with regard to highway safety.
- 10.21. From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:
- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
 - **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link

between the development and the item being provided as part of the agreement.

- **(iii) fairly and reasonably related in scale and kind to the development**
Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.22. According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- £31,946 as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money will be spent on the local public transport system thus benefiting the proposal directly. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £2,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by staff and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.

Bats

10.23. A detailed bat survey of the site has been carried out which included an external inspection of the existing health centre building and an evening and dawn activity survey in July. The bat surveyors were unable to gain access to the inside of the building to carry out an internal inspection.

10.24. The survey confirmed the presence of three, and possibly four, roosts in the existing building used by individual common and soprano pipistrelle bats. These are non-breeding roosts which are generally considered to have a lower conservation status than maternity roosts or hibernation roosts used by larger numbers of bats. A mitigation method statement has been included in the bat survey report which includes controls over the timing and methods of demolition and provision for replacement roosts in the new care home building, the locations of which are shown on plan no's 0909 CL (2) -04a and 0909 CL (2) -05a. The survey report concludes that if the development is carried out in accordance with the mitigation method statement the risk of harm to individual bats can be minimised and the conservation status of bats in the local area can be maintained. The City Council agrees with this conclusion.

10.25. Bats are protected under the European Habitats Directive and the City Council has a duty to have regard to the requirements of the Directive when carrying out its functions. The proposed development is considered to be an act that requires derogation from the requirements of the Directive by means of a licence issued by Natural England. The Conservation of Habitats and Species Regulations 2010 require that three 'tests' (in Regulation 53 (2)(e), (9)(a) and 9(b)) be met in order that a licence may be issued and as part of its duty the City Council must also have regard to these three tests in any consideration of this planning application.

10.26. Regulation 53 (2)(e) requires that the proposal must meet a purpose of *preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*. In respect of Regulation 53 (2)(e) this proposal provides a social need for local people that is not fulfilled in the area currently. Demand for a care home in the north east area is high and people are likely to end up travelling outside the area to meet their needs. The site is also currently vacant and visually poor and redevelopment will provide a suitable enhancement to the locality.

- 10.27. Regulation 53 (9) states that a licence should not be issued unless the appropriate authority is satisfied: *(a) that there is no satisfactory alternative, and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*
- 10.28. In respect of 53 (9)(a) the existing health centre building is now redundant and its form and layout would make it unsuitable for uses suitable to the location. Certainly the building would not function well as a care home and would need to be extensively modernised to comply with modern day specifications. The site is also visually poor which is detrimental to the designated Conservation Area.
- 10.29. In respect of 53 (9)(b) the existing roosts are used by small numbers of non-breeding pipistrelle bats and the site is considered to be of local value for bats. Replacement roost features will be provided in the new care home building and it is considered that these features will maintain the conservation status of pipistrelle bats in the local area.
- 10.30. In conclusion therefore the mitigation measures put forward are suitable and conclusions are required to ensure these are carried out. Details of external lighting are also needed to ensure this does not disturb future bat residents.

Public right of way.

- 10.31. A designated public right of way runs down the western boundary of the site, which connects the adjacent public car park to the town centre and is an important thoroughfare used quite heavily. This footpath is not impacted on by the development except through the addition of pedestrian accesses to be punched through the boundary wall. A Direction can ensure that the applicant is fully aware of their responsibilities with regard to ensuring the footpath stays open during construction works.
- 10.32. St James's church wardens have raised an issue of an intended footpath linking the public car park with the church. This issue was raised in a Wetherby traffic survey, where it was considered that it would be advantageous to provide such a footpath link to give greater connection with the town centre. However it is considered that to provide a public footpath through the site would result in security issues and loss of privacy for the intended residents.

11. CONCLUSION

- 11.1 This application is considered to provide a facility for which there is a recognised need in the Wetherby and wider area. The site is sustainably located and residents will have good access to all local services and facilities. The proposal provides suitable amenity for intended residents and is not considered to impact detrimentally on other residents and users around the site. The intended buildings are considered to positively enhance the character of the Conservation Area and will provide a prominent feature building within this area which is suitable to its town centre location. No other issues are raised which would indicate that a refusal should be made and the proposal is considered to comply with all relevant policies subject to conditions and a signed section 106. The proposed demolition is considered acceptable and will not impact detrimentally on the Conservation Area. These applications are therefore recommended to Members for approval.

12. Background Papers:

Application and history files. – see history above.

Certificate of Ownership: Notice served on Punch Taverns, Jubilee House, Second Avenue, Burton – on- Trent.

St James Street

448425N

59

53

51

49 47

63

65

448400N

view of Church from car-park

more open view of new building from access

separate the car parking from main landscaping and gardens; car parking will be in the shade.

Trees plotted by Arboreculturist thus; orange honecomb is construction exclusion zone orange line is protective fence line during construction

opening up large green area here allows screening of the undertaker and give the building a green buffer to the lane

Construction Exclusion Zone

Front door location, with access from lane and to car park
Car Park

"Special" beds at end overlooking Church

Wetherby Parish Church

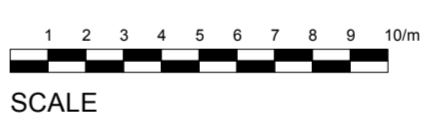
this facade will look impressive from the car park which is the main view of the Home for the public

Construction Exclusion Zone

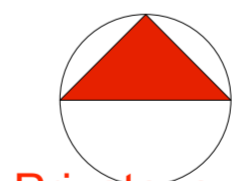
new building oriented as Church to minimise impact

448375N

view of Church from lane



NORTH



Private, sunny courtyard garden, which relates well to the Churchyard and pulls the building well away from the plain building on the S boundary

448350N

St. Joseph's Church

Extra Care Flats

1 (dis)
2

3
4

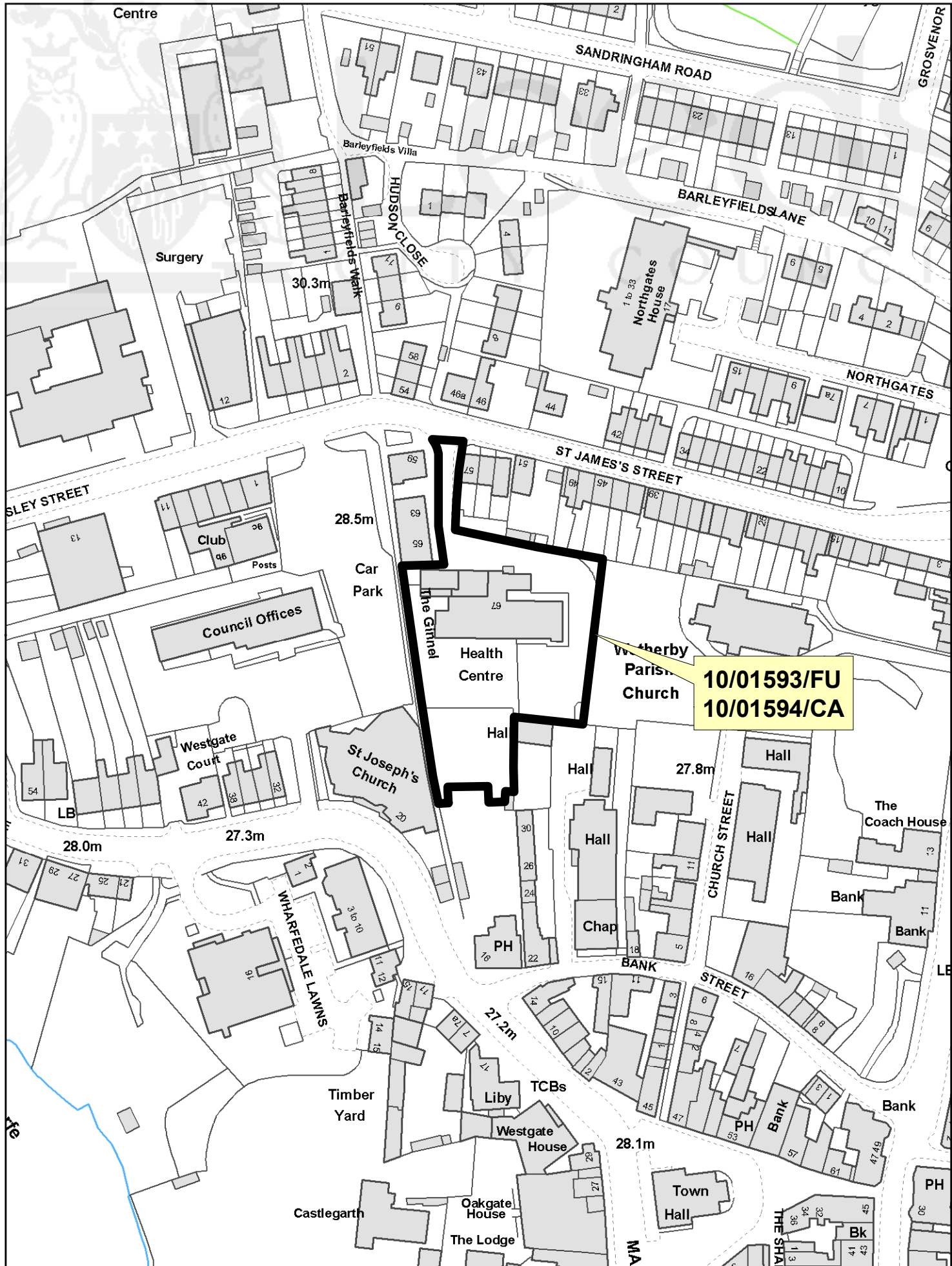
ARP
Special Architectural Services

Proposed Care Home, St. James's Street
Wetherby

Analysis plan
Scale 1:200 @ A1 Drawn:ARP Date:April 2010

0909 CL (0-) 04

Gear House, Saltmeadows Road, Gateshead, NE8 3AH
tel:(0191) 490 1155 fax:(0191) 421 3482 mail@arpdesign.co.uk



EAST PLANS PANEL

