

Extracted from the Appeals Digest

The original document can be found at:

http://www.stalbans.gov.uk/local-democracy/committees/agendas/planning/central_070408.pdf

Appeal by Hallam Land Management Ltd & c/o Blanchworth Care Ltd against refusal to grant planning permission for retirement community comprising 40 bed care home, community facilities, 45 extra care/assisted living units, 65 age restricted houses and 16 keyworker units at former playing fields and 47 King Harry Lane, St Albans AL3 4AX.

Summary of Appeal Decision: ALLOWED

Written Representations Inspector: Robert A Luck

Procedural Matters:

- The application is for outline planning permission with access to be determined and appearance, landscaping, layout and scale reserved for future consideration.
- Further information was provided by the appellants including an illustrative layout.
- An agreement was submitted that overcame all but the first reason for refusal.

Main Issues:

- The effect of the care home complex on the character and appearance of the area.

Conclusions:

- The streetscape of King Harry Lane varies along its length.
 - The whole contextual area is dominated by domestic development which ranges in character and appearance.
 - The residential home is of two storeys, has a pitched roof and, though as a whole it is of considerable size, its plan shape reduces its total impact in any one view; long elevations are broken up by substantial hip-roofed projections.
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- The incorporation of non-domestic elements, of differing sizes and styles, within the domestic development is an established feature of the area.
 - Since the Council reached its decision, the appellants have undertaken further development of the way in which the care home complex might be designed.
 - The latest drawings show that the proposed complex need not be a single building: the assisted living units could be provided in a separate two storey building; the care home unit could also be on two floors linked to the community facilities by way of a single storey foyer. There need be no flat roofs. The virtual massing could be broken up.
 - The details of layout and design could be such as to provide a significant amount of articulation to the elevations and fairly moderate ridge heights. It would be possible to contain the ridge height of two-storey buildings within the range of 7.5 to 8.5m. The Inspector does not consider these ranges of heights, especially with the emphasis on two-storey forms, would cause the complex to over-dominate nearby domestic properties. The height, form and detailing of the

complex could reflect and be sympathetic with the domestic character of its surroundings.

- It is, the Inspector believes, inevitable that the complex would be seen as whole and distinct from the proposed development of houses. This would not bring the proposed care complex into conflict with the established pattern of development in the area.
- There is further scope to produce a final design of high architectural quality which could be a positively notable feature of the locality.
- The Inspector is thus satisfied that the care home complex as defined in the application could be designed so as to be sympathetic with and indeed enhance the character and appearance of the area.
- The Verulam Residents' Association (VRA) has raised a number of issues. These were discussed fully at the Inquiry. Some issues raised initially were withdrawn and the Inspector can give only limited weight to concerns about: possible non-compliance with planning conditions, including the prohibition of unrestricted market housing, which would be for the Council to enforce; and the possible effects of future development on adjoining land not included in the present proposal and on which the Inspector has not substantive evidence.
- A Conservation Area lies opposite the site. The openness of the whole of the appeal site could be seen as forming part of the wider setting for this Conservation Area. The existing wide area of grass verge, trees and hedging is a more reasonable and realistic limit for the defined setting of the Conservation Area. The proposal could, and indeed should, provide a landscaped buffer zone between the road and the developed part of the site. The Inspector is satisfied that the proposal would not have a significant adverse impact on the setting of the Conservation Area. The effect on the trees of any excavation would be marginal. There would therefore be no conflict with LP Policy 74.
- The appellants have produced a traffic study which demonstrates that the considerable congestion which occurs during peak periods would not be significantly exacerbated by traffic generated by the proposal. The concern was that the appellants' analysis had incorrectly assumed that the age restricted housing would not give rise to significant peak hour traffic.
- Even if all the 65 age restricted dwellings were treated as unrestricted housing, the additional morning peak hour traffic generated at the King Harry roundabout would be 21 vehicles. The Inspector is therefore satisfied that the joint re-assessment gives a satisfactory level of certainty that the proposal as a whole would not cause such an increase in peak flow at the King Harry roundabout as would have a significant effect on the existing congestion and delays. The proposal would comply with LP Policy 34.
- It is necessary in the interests of highway safety that: the proposed access should be fully constructed before the development is brought into use. Encouragement should be given to future residents to use public transport.
- The Inspector has found acceptable proposed heights of the proposed care complex above finished ground level.
- A scheme for an archaeological watching brief has been produced.

- The Flood Risk Assessment provided by the appellants demonstrates the necessity for approved surface water source control.
- The Inspector considers that any construction noise problems, which in some circumstances could justify a condition restricting hours of working, in this case would be adequately controlled by other legislation and it would not be appropriate to impose a condition to duplicate that control.

APPEAL ALLOWED (Officer Recommendation – Committee Refusal)