

## 5 JUNE 2018 PLANNING COMMITTEE

5b 18/0031 Reg'd: 12.01.18 Expires: 06.04.18 Ward: HO  
Nei. 06.03.18 BVPI Change of Number 17/8 On No  
Con. 06.03.18 Target use - 20 of Weeks of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Elmbank Rest Home, 27 Woodham Road, Horsell, Woking, Surrey, GU21 4EN

**PROPOSAL:** Removal of condition 5 of 82/0212 dated 14.09.1982 for the change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people to remove the elderly person restriction

**TYPE:** Section 73 Application

**APPLICANT:** Henley Secure Income Property OFFICER: Brooke  
Managing Trust Bournague

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been called to planning committee at the request of Councillor Hunwicks. Councillor Hunwicks objections are based around the original safeguards in 1982 and that it's in a Controlled Parking Zone and Castle Road is private plus that it's very closely surrounded by residential properties and it's a very long way from amenities eg town buses doctors etc.

### **PROPOSED DEVELOPMENT**

Planning application 82/0212 granted planning permission on 02.03.1982 for 'the change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people at 'Elmbank' Woodham Road.

Condition 5 of 82/0212 states:

The use hereby approved shall only be as an elderly persons home for no other purpose within Class XIV of the Town and County Planning Use Classes 1972.

Reason:

Other Class XIV uses may not be appropriate in the locality which is residential.

This planning application proposes to remove condition 5 of planning application 82/0212. The property would remain with Use Class C2. No external alterations are proposed.

### **PLANNING STATUS**

- Urban Area
- Area Tree Preservation Order
- TBH SPA Zone A (within 400m)

### **RECOMMENDATION**

Grant planning permission subject to conditions

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### **SITE DESCRIPTION**

Elmbank Rest Home, 27 Woodham Road is a two storey detached property with accommodation in the roofspace sited on a corner plot bounded by Woodham Road and Castle Road. There is hardstanding to the south of the site, hard and soft landscaping to the west of the site and a small enclosed area of amenity space to the east of the site.

Elmbank Rest Home is currently vacant; the property was last used as a care home for adults over 65 including those with dementia. The service was rated inadequate by the Quality Care Commission.

### **PLANNING HISTORY**

82/0212: The change of use of existing dwelling from single family dwelling to residential retirement home for approximately six elderly people at 'Elmbank' Woodham Road. Permitted 15.09.1982

84/0373: Single storey front extension to provide two extra bedrooms. Permitted 01.05.1984

85/0427: Two single storey extensions to provide additional facilities including two additional bedrooms. Permitted 01.08.1985

### **CONSULTATIONS**

County Highway Authority: No comment

Natural England: No comment

Planning Policy: Applicant should submit additional evidence demonstrating a need for the proposed use. Condition 5 should be altered and not removed.

### **REPRESENTATIONS**

A total of 30x objections (6x householders have submitted 2 letters each and 1 x household has submitted 3 letters) were received in response to the original proposal and re-consultation on the amended description on 05.03.2018 raising the following concerns:

- Castle Road already has one care home – Combe House
- Previous care home closed due to owners ill health and still has a strong QCC report
- Need for care for the elderly is increasing due to people living longer
- Not all elderly people can afford to live in new large care homes
- Other sites in the Woking Borough would suit the needs of the new owners
- No site notice (Officer note: this planning application does not require a site notice, notification letters were sent to adjoining properties)
- No public transport or facilities nearby
- Little amenity space and no room to extend it
- The property is only suitable as a private residence or as a care home for the elderly that are housebound
- Concerned proposed occupiers could change the road and the peace and tranquility of the area
- The elderly person restriction was put in place due to the area
- Lack of outside space and facilities - not suitable for younger people
- Would not take much to improve standard of the existing building

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- Inaccurate description and Covering Letter is not available (Officer note: the description of development and covering letter were made public and neighbours were re-consulted)
- Restricted on site parking will result in parking on the public highway
- Concerns over late night activity, anti social behavior and noise from people entering the hostel
- The area is not suitable
- Too close to the primary girls school
- Increased traffic
- Increased noise
- Concerns over safety of nearby residents
- The application does not specify the intended use
- Increase in the number of people coming and going at different times of the day and night would impact adversely on other local residents
- Proposal would be more suited to the Town Centre
- Aging population is causing particular challenges for housing - West Surrey Strategic Housing Market Assessment (Feb 2009) suggests 29% increase in people over 60 between 2006 and 2026, the SHMA identifies that pensioner households are often under-occupied and acknowledges some stakeholder views that there was a need for more specialist accommodation for older people and Policy CS13 supports the development of specialist accommodation for older people and vulnerable groups.
- Contrary to CS13 of the Woking Core Strategy (2012)
- There is no evidence submitted that there is insufficient demand for the existing use and overwhelming evidence that the ageing population requires provision of more, not less, specialist accommodation for the elderly.
- Have a detrimental impact on the character of the area
- Address is Woodham Road but the vehicular access is from Castle Road, a private road
- Not know how many people will be living in the property and in what type of accommodation
- Lack of information on proposed users
- Site characteristics would not suit all vulnerable groups
- There has been no change that would now allow the removal of this condition
- The existing care home has had no impact on neighbouring properties and is well suited to the site
- Contrary to Policy DM11 of the DM Policies DPD (2016)
- Loss of elderly accommodation

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

#### Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Areas

CS13 - Older people and vulnerable groups

CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

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### Supplementary Planning Documents (SPDs):

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

### **PLANNING ISSUES**

#### Principle of Development:

1. Planning application 82/0212 permitted on 15.09.1982 granted planning permission for an elderly persons home for no other purpose within Class XIV of the Town and County Planning Use Classes 1972. Class XIV is essentially the historic equivalent to Class C2 of the Use Classes Order 1987 (as amended).
2. The lawful use of Elmbank Rest Home is C2 (residential institutions) to provide care for the elderly. The property was extended in 1984 and 1985 to increase the number of bedrooms. The property is currently vacant and was last used to provide care for upto 14 elderly people.
3. Policy CS13 of the Woking Core Strategy states '*existing specialist accommodation will be protected unless it can be demonstrated that there is insufficient need/ demand for that type of accommodation*'.
4. This planning application proposes to remove condition 5 of planning application 82/0212 restricting the use of the property to elderly people. The use of the property would remain within Use Class C2 and allow the building to provide residential accommodation and care to people in need of care, residential schools, colleagues or training centres, hospitals and nursing homes.
5. A report published by the Quality Care Commission in March 2017 rated the service at Elmbank Rest Home as inadequate as the service was not safe, efficient, caring responsive or well led.
6. The applicant has advised that the care home is currently deregistered. Due to the small scale of the care home the average weekly fees are not enough to provide sufficient staff and management to provide a high quality of service to the most vulnerable group of people. The removal of the elderly person condition is imperative in ensuring the viable long term use of the property as a care home.
7. Letters of representation have raised concerns over the lack of nearby facilities. Elmbank Rest Home is sited within the urban area approximately 20 minutes walk from Horsell High Street and Woking Town Centre providing access to a range of services and facilities. The application site is also within walking distance of bus stops along Shores Road (5 minutes), Chertsey Road (10 minutes) and Kettlewell Hill (8 minutes) and therefore considered to be well served by public transport.
8. It is proposed that the property would provide a service for those with mental health issues. The introduction text to Policy CS13 of the Woking Core Strategy (2012) advises vulnerable groups includes people who are mentally or physically disabled.
9. The removal of condition 5 would enable the property to retain a viable C2 use and continue to provide specialist accommodation for vulnerable groups in accordance with Policy CS13 of the Woking Core Strategy (2012). At present the property is vacant and does not have the required facilities to provide an acceptable level of care for elderly people.

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### Impact on Neighbours:

10. Information submitted with the application has advised the following:

*We would like to continue to use the site to support vulnerable adults but we would aim to provide a service to those with mental health conditions. The client group we would like to focus on are those people who have done well with their treatment, are no longer in need of high staffing levels or intensive treatment programmes, but instead are ready to step down to a more independent way of living and with well trained staff support relearn those skills lost while they were unwell so that they can confidently reclaim their position in their local community.*

*The property would be registered with the Quality Care Commission to ensure the overall care provided is satisfactory.*

11. Condition 5 of planning application 82/0212 was imposed as it was considered other Class XIV uses may not be appropriate in the locality which is residential. Letters of representation have raised concerns over noise levels, anti social behavior and safety of nearby residents.
12. The existing and proposed floor plans indicate the internal layout of the property would remain similar to the existing layout with the addition of en-suites to a number of bedrooms to provide enhanced facilities for proposed occupiers. There would be no increase in the number of bedrooms. The proposal would not intensify the use of the existing site.
13. The applicant has advised that staff will be present on site 24/7 with three staff on site during the day and one staff on site during the night. Residents would be subject to a detailed risk assessment prior to being allowed to leave the site freely, where required residents would be accompanied by staff. In addition the property would be registered with the Quality Care Commission and have management protocols and behaviour management plans in place to ensure that the residents do not have a significant impact on amenities of surrounding properties in terms of noise and disturbance.
14. It is considered that a 24/7 staff presence and implementation of management plans would ensure that the removal of condition 5 of planning application 82/0212 would not have a significant impact on the amenities of adjoining properties.
15. A condition (condition 3) is recommended to ensure the property is only used for residential accommodation and care to people in need of care and for no other purpose within Class C2 of the Use Class Order 1987 (as amended). It is considered that other uses within Class C2 may not be appropriate for the location.
16. There are no external changes to the building itself that would have any impact on neighbouring occupiers.
17. Overall the proposed development is considered to have an acceptable impact on neighbours.

### Impact on Character:

18. The planning application does not include any external alterations. It is considered there would not be a detrimental impact on the character and appearance of the property or streetcene.

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### Standard of Accommodation:

19. Letters of representation have raised concern over the lack of outside space. There is an area of private amenity space to the east of the application site and an open area of soft landscaping to the west of the application site. The application site is located approximately 0.6 miles from Wheatsheaf Common. The applicant has advised that access to public areas of open space will be appropriately managed as detailed within the care operators management plan. It is considered that the area of amenity on site and within walking distance would provide sufficient amenity space for future occupiers.

### Transportation Impacts:

20. Policy CS18 states *'the Council is committed to developing a well integrated community connected by a sustainable transport system'* this can be achieved by *'implementing maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing it does not create new or exacerbate existing on-street car parking problems'*.
21. Supplementary Planning Document 'Parking Standards' (2018) requires a maximum of 1 car space per 2 residents or Individual assessment/justification for care homes that fall under Use Class C2. For 14 residents a maximum of 7 parking spaces would be required.
22. The existing on site parking (providing 3 spaces) to the south of the site will not be affected by the proposal. Information submitted with the planning application has advised that residents would not have access to cars. It is considered that the area of the hardstanding is sufficient to facilitate parking for the on site staff.
23. The existing vehicular access from Castle Road would be retained. Woodham Road is within a Controlled Parking Zone to restrict on street parking.
24. It is therefore considered that the proposed development would not have an adverse impact on parking provision in the immediate area. The County Highway Authority has been consulted who have advised that they have no objection from a highway safety and operation perspective.
25. The proposal is therefore considered acceptable and would comply with Policy CS18 of the Woking Core Strategy and the Supplementary Planning Document 'Parking Standards' and the core objective of the NPPF to influence a shift in behaviour towards alternative transport modes.

### Thames Basin Heaths Special Protection Area (TBH SPA)

26. The Thames Basin Heaths Special Protection Area is internationally important and designated for its interest as habitats for ground nesting birds. Policy CS8 of the Woking Core Strategy states *'the Council will ensure that no sites are allocated or granted planning consent for (net) new residential development within the 400 metres exclusion zone of the Thames Basin Heath SPA because the impacts of such development on the SPA cannot be fully mitigated'*. The planning application does not result in new residential development but seeks to remove the elderly person restriction. Natural England have been consulted and raised no concerns over the removal of condition 5.

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27. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the SPA and therefore accords with Policy CS8 of the Woking Core Strategy 2012 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

### Community Infrastructure Levy (CIL):

28. The proposal is not liable for Community Infrastructure Levy (CIL).

### **CONCLUSION**

29. The proposed removal of the elderly person restriction is considered acceptable to result in an impact on the amenities of surrounding neighbours. A new condition will restrict the use of the property for residential accommodation and care to people in need of care and for no other purpose within Class C2 of the Use Class Order (as amended).

30. As this is a Section 73 application, it is necessary to re-apply or re-word the conditions attached to the original permission (82/0212) where they are still relevant.

### **BACKGROUND PAPERS**

1. Site visit photographs
2. Consultation responses
3. Representations

### **RECOMMENDATION**

It is recommended that planning permission be Granted subject to the following Conditions:-

1. The development hereby permitted shall be carried out in accordance the approved plans listed in this notice.

001 dated February 2018 and received by the Local Planning Authority on 09.02.2018

002 dated February 2018 and received by the Local Planning Authority on 09.02.2018

WR 101 dated 13 April 2017 and received by the Local Planning Authority on 04.04.2018

WR 102 Rev B dated 5 August 2017 and received by the Local Planning Authority on 04.04.2018

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

2. The parking area shall only be used for the parking and manoeuvring of motor vehicles and shall not be used for the deposit of waste materials, or for storage of any kind.

Reason: To ensure satisfactory parking provision

3. The development hereby permitted shall only be used for residential accommodation and care to people in need of care and for no other purpose within Class C2 of The Town and Country Planning (Use Classes) Order 1987 (or any orders amending or re-enacting that order) without the prior written consent of the Local Planning Authority.

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Reason: To restrict the use of the premises to one which is compatible with the surrounding area and safeguard the amenities of the adjoining premises and to comply with Policy CS13 of the Woking Core Strategy 2012

### **Informatives**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.