

Northern Planning Committee 12th February 2020

UPDATE TO AGENDA

APPLICATION No.

19/2003M – Change of use from dwelling house with B1 Business to C1 Spa Hotel and associated two storey rear extension and pool to accommodate high quality guest facilities.

LOCATION

Warford Hall, Warford Hall Drive, Great Warford

UPDATE PREPARED

10 February 2020.

REPRESENTATIONS

Two further letters of objection have been received from neighbouring properties.

One of the letters of representation relates to the existence and legitimacy of an on-site clinic, which the resident believes has not been addressed by CEC Planning Authority. These comments can be summarised as follows: -

- Following the issuing of the Planning Contravention Notice, why has no further enforcement action been taken by CEC Planning Authority when they have had more than 2 years to do so?
- Warford Action Group raised concerns about the legitimacy of the Skulpt Clinic with CEC Planning Authority on a number of separate occasions
- Northern Planning Committee should consider further action be taken to investigate the matter, when enforcement action should have occurred after the appeal decision was issued in 2017
- The clinic should be registered with the care quality commission (CQC)
- There are no General Medical Council (GMC) registered clinicians, or Nursing and Midwifery Council Nurses (NMC) listed as being employed by the clinic, which is also in breach of the CQC requirements
- Due to the above, what is the likelihood of the applicants adhering to any condition the committee attaches to application 19/2003M?
- Concerns into the lack of detail contained within the proposed conditions

Great Warford Residents Association has stated that the the phrase “*Park Land*” used in the committee report is factually incorrect and aside from the gardens of the house, the land in front is actually agricultural. Great Warford Residents Association also state that the fence at the front of the property was removed without planning permission and the Council’s Enforcement Section failed to take any action.

CONSULTATIONS (External to Planning)

Nature Conservation:

No Objection subject to conditions.

APPRAISAL

Ecology:

The revised design plans for Warford Hall will result in a slightly different impact upon the bat roosts present within both the main residential property and the associated barn buildings. Therefore updated bat mitigation and compensation measures have been submitted.

These changes have resulted in the opportunity to retain the bat access points within the barn building, which previously would have been lost. The updated information retains the provision of replacement bat access points to the new two-storey extension and on the existing barns as previous, albeit in slight amended locations.

The updated information has been assessed by the Council's Ecologist who has confirmed that the revised proposals would in fact have a reduced impact on bats in comparison with the originally proposed development.

The Local Planning Authority can confirm that if planning permission is granted the proposed mitigation would be sufficient to maintain the favourable conservation status of the species of bat concerned.

Proposed condition 17 'Ecology Bat Mitigation' would need amending to ensure the development proceeds in accordance with the latest Bat Activity Survey Report.

A suitable condition (18) is proposed to control any additional lighting on site. The protection of nesting birds is controlled via condition 19.

Subject to this, the Council's Ecologist is also satisfied that planning controls can be put in place to protect species protected by law.

Clinic:

It has been accepted that the clinic does not benefit from Planning Permission. In relation to the comments regarding the Care Quality Commission, anything governed by other legislation is not a material planning consideration. Material planning considerations must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned. The Care Quality Commission has their own complaints procedure, which could be utilised to address residents concerns.

It is considered that there has been no deliberate concealment by the applicant on this matter. However, the Council's Planning Enforcement Section will be informed of residents concerns for their investigation.

Other Matters:

The removal of a fence is not development therefore cannot be considered a breach of planning control.

The conditions listed within the committee report are 'headline' only. These are used to indicate the elements and topics that will be controlled and do not show the full text of a condition as it will appear on a Decision Notice. This is standard CEC procedure.

The use of the phrase 'Park Land' was used to describe the 'character' to the front of the Hall, not assign a planning use to an area.

CONCLUSIONS AND RECOMMENDATION

The original conclusions and recommendations were made to Approve, subject to conditions. This recommendation shall remain unchanged. Proposed condition 17 'Ecology Bat Mitigation' would need amending to ensure the development proceeds in accordance with the latest Bat Activity Survey Report.

RECOMMENDATION:

APPROVE subject to following conditions;

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Hours of Operation (Spa)
4. Submission of a Noise Management Plan
5. No speakers or other amplification equipment or live music to be located outside
6. Compliance with the submitted noise report
7. Odour Control
8. External Lighting
9. Hours of Construction
10. Use of Pile Foundations
11. Dust Management Plan
12. Floor floating
13. Detailed submission of samples of building materials
14. Separate Surface and Foul Drainage
15. Surface Water Strategy (Incorporation of Sustainable Drainage)
16. Proposed Swimming Pool and Approach to Emptying
- 17. Ecology Bat Mitigation (in accordance with latest report)**
18. Ecology Lighting Strategy
19. Protection of Nesting Birds
20. Ecology Breeding Birds
21. Tree Protection
22. Service/Drainage layout

23. Submission of Landscape Scheme
24. Landscaping (Implementation)
25. Electric vehicle points
26. Detail of Covered and Secure Cycle Parking

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.