

Area North Committee – 19 December 2012

Officer Report On Planning Application: 12/03855/REM

Proposal :	Reserved matters details relating to part of the site approved under outline permission (11/01556/OUT) for the provision of a care home and associated parking and access (GR: 348942/128838)
Site Address:	Somerton Health Park, Behind Berry, Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr P Clarke Cllr D J Norris
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	9th January 2013
Applicant :	Mr J Bailey
Agent: (no agent if blank)	Catherine Phillips Hawkridge House Chelston Business Park, Wellington, Somerset TA21 8YA
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application is brought to Committee at the suggestion of the Development Manager with agreement of the Chairman and Ward Members in light of the history of the site and significance of the proposed development for Somerton and to enable the issues raised to be debated in public.

SITE DESCRIPTION AND PROPOSAL



This site comprises level land to the northwest of the town centre car park, bounded by the railway cutting, Behind Berry and King Ina Drive. It currently comprises at two storey dwelling (25 Behind Berry, aka Pennards), and its curtilage and a former abattoir (21 Behind Berry). Both structures are set back from the road. To the south is a 1970s bungalow (Hawthorns) and there is a footpath running along site the railway line. There are a number of trees and domestic shrubs on the site, including a protected (TPO) beech in the rear garden of no. 25, adjacent to the footpath.

Development along Behind Berry is characterised by 2 storey, detached dwellings on generous plots with a similar form of development, albeit of a slightly higher density in King Ina Road. Materials are predominantly grey reconstituted stone and tiles with some render and natural stone.

The site is part of an area of high archaeological potential within development limits. There are identified land contamination issues related to the previous abattoir use.

This is a reserved matters application for the erection of a 3-storey (second floor partially with roof) 55 bed care home (with service yard) fronting onto Behind Berry. A delivery bay and 25 parking spaces would be provided to the east side of the site, a cycle parking facilities and 2 disabled parking spaces to the rear of the proposed building. There would be two points of access, an entrance from Behind Berry and an exit onto King Ina Road, linked by a service route along the back of the proposed building.

Additional information, originally submitted to discharge conditions on the previous full application (11/04811/FUL) has been added to this application. In the background information is being considered to discharge conditions of the outline permission.

RELEVANT HISTORY

11/04811/FUL Full planning permission granted for erection of a new health park, including a care home, surgery, parking and access. An associated unilateral under-taking (S106 agreement) obliged the developer not to occupy the care home until the surgery is substantially complete.

11/01556/OUT Outline permission granted for erection of a new health park, including a care home, surgery, parking and access (02/08/11). All matters apart from layout and access were reserved. Subsequently a minor amendment (11/03338/NMA) to reposition the buildings and change the parking provision as declined as it was considered to materially affect the approved scheme.

There is a history of applications in relation to previous activities. An application was submitted in 2006 for the erection of 14 flats on the abattoir site (06/03870/OUT), however this was withdrawn. Historically (early 1970s) residential development has been approved on land between the abattoir and 25 Behind Berry, however this was not apparently implemented.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development
 STR2 - Towns
 STR4 - Development in Towns
 Policy 40 - Town Strategies
 Policy 42 - Walking
 Policy 48 - Access and Parking
 Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)

ST5 – General Principles of Development
 ST6 – The Quality of Development
 EC3 – Landscape Character
 EC8 – Protected Species
 EP1 – Noise
 EP3 – Light Pollution
 EP5 – Contaminated Land
 EP6 – Construction Management
 EH12 – Area of Archaeological Potential
 EU4 – Drainage
 TP1 – New Development and Pedestrian Movement
 TP2 – Travel Plans
 TP4 – Road Design
 TP5 – Accessibility by Public Transport
 TP6 – Non-residential parking
 MC6 – Location of Non-Shopping Key Town Centre Uses

National Planning Policy Framework

South Somerset Sustainable Community Strategy

Goal 3 – Healthy Environments
 Goal 4 – Services and Facilities
 Goal 8 – High Quality Homes
 Goal 9 – A Balanced Housing Market

CONSULTATIONS

Somerton Town Council – have not provided a formal view as they are owners of the present surgery site; however the ‘overview’ is that SSDC should be left to determine the application due to:-

“the complexity of the planning issues under consideration and the conflicts between the desire for progress on the site cf. the need for the long term security of a new Doctor’s Surgery.”

It is felt that the provision of the surgery should remain a formal condition of any approval.

County Highway Authority – No objection (access as considered at the outline stage). With regard to the proposed internal layout it is observed that:-

“this application seeks to provide 25 spaces which is acceptable. There will also be delivery bays and disabled spaces in line with the standards. The change to some tandem spaces caused by minor changes in layout is disappointing but it is assumed that these will be staff spaces and that a system will have to be developed to ensure that vehicles are not rapped in the rear spaces. This is very much an operational question for the operator.”

Police Architectural Liaison Officer – is concerned that the perimeter wall is too low to offer security to the ground floor residents, whose individual apartments lead out into the narrow strip of garden to the front, side and part of the rear. It is accepted that there will be some form of on-site care provision that could (if alerted) respond to residents' concerns if they felt it was appropriate. However it would be appropriate to offer an improved level of security so as not to raise the fear of crime in residents who will no doubt be of an age group who it will affect greatly. There should also be some form of access control to the garden area at the rear of the property adjacent to the disable parking places.

The ability to be able to walk or drive through from Behind Berry to King Ina Road creates a semi private area which will undoubtedly be used as a desire line and gives a legitimate reason for a miscreant to be there, this could be considered a crime generator with the possibility of introducing the risk of anti-social behaviour.

Environment Agency – No objection.

Area Engineer – No comment. Subsequently it has been confirmed that the additional information provided is sufficient to discharge the drainage condition of the outline permission

Environmental Protection Unit – have confirmed that the details of the remediation strategy provided is sufficient to discharge the relevant condition of the outline permission.

Ecologist – is content that any ecological issues can be addressed under condition 4 of the outline permission. Subsequently it has been confirmed that the additional information provided is sufficient to discharge that condition.

Landscape Architect – accepts proposed landscaping plan

Tree Officer – accepts tree protection measures.

Conservation Manager – not supportive:-

“The context of this site is of two storey detached later 20th century suburban houses in largish garden plots. There is little continuity of frontage in the built form but the general pattern of development is of buildings well set back from the road. The majority of buildings are with roofs of simple gable form with ridges running parallel to the road. Frontage gables are absent. It cannot be described as the most sensitive part of Somerton and the introduction of a larger building here might not appear significantly out of place provided it respected the local context in height, scale and roof form and in

positioning in relation to the road frontage, its massing broken up to reflect the local pattern.

“The proposal at 2.5 and 3 storeys in height will however be out of scale. Add to this its form featuring dormers and large prominent gables to the road front and a position on the site close to the road frontage and I have to conclude that it would appear alien, bulky and intrusive. This area displays a local character devoid of gabled elevations and dormers and so the design of the proposal is at odds with this characteristic of the area in this respect also.

“I note the steps taken to reduce the appearance of bulk - some lower elements, double pile roof form etc. but these do not overcome the essential problem with the design in this context and I cannot recommend you supporting it in this form.

“Note that the drawings mislead by omitting to show the large number of rainwater pipes that will be required around the dormers and will disrupt the long elevations.”

Wessex Water – No observations to make

REPRESENTATIONS

3 local residents have written raising the following objections and concerns:-

- The applicant has not justified the omission of the surgery, the funding for which may not be available after April 2013, after when the surgery may become a “distant memory”.
- three storey care home would total dominate the site and surrounding area and would not have been previously accepted without surgery;
- over development of site – the Hawthornes should be made available for the surgery allowing the care home to be reduced in height;
- lack of space and amenity area for occupiers of care home;
- insufficient parking for staff and visitors;
- impact on traffic in Behind Berry;
- needs for care spaces, cost to residents and viability are not justified or explained;
- the financial footing of the applicant is challenged;
- the business model is disputed in light of proposed government legislation to be introduced in response to collapse of other care home providers;
- provision of the surgery should remain an obligation on the applicant – there have been no changes in circumstance;
- the town council is against the proposal;

A letter of support has also been received making the point that a new care home is a must for the town as Wessex House is out of date. The fact that the doctors don't want a new surgery should not hold this back.

APPLICANT'S CASE

“The need for a new care home is generated by the requirement to replace current facilities. Current nursing home facilities in Somerton are provided at Wessex House. Wessex House is over 40 years old and is substandard in providing the level of accommodation and facilities required in new care homes for the elderly due to the following:

- *Undersized bedrooms. The majority of rooms are 10 sq.m which is 2 sq.m below the minimum legal standard for new care homes of 12 sq.m.*
- *Only 2 bedrooms have en-suite facilities for residents. It is now a requirement that all residents have en-suite facilities*
- *Narrow corridors which are unsuitable for disabled access.*
- *Lack of storage to accommodate equipment such as wheelchairs, hoists, stand aids etc.*
- *An inefficient layout of bedrooms and day spaces which results in higher operating costs.*

“In addition there are high costs associated with the maintenance of the building. Somerset Care has therefore concluded that replacement facilities are urgently required.

“A 3 storey care home is required to ensure that a viable scheme is provided. Somerset Care provides publicly funded beds at Wessex House. Currently over 80% of the residents rely on public finance. The current nursing care fee paid by Somerset County Council per person is £550.54 per week. An appraisal undertaken in February 2012 by Savills (Chartered Surveyors) concluded that the operating cost per bed at the proposed care home would be £442 per week. Therefore Somerset Care has a margin of £108.54 per bed per week to fund rent and make a small profit from.

“The capital cost of building a 2 storey care home would be approximately £600,000 more than the 3 storey care home, and it would occupy a larger part of the site. The existing Hawthorns bungalow would therefore have to be demolished to allow for a 2 storey care home to be built. The bungalow is valued at £280,000. Therefore a 2 storey care home would increase the capital cost of the care home by £880,000 or £16,000 per bed. This would equate to an additional rent of £1,200 per annum per bed or £23 per bed per week. A rent of £128 per bed would result in a loss of approximately £20 per bed per week and therefore, the 2 storey option is not viable.

“The GP’s at the Langport Surgery withdrew from leading a new partnership for Somerton in August 2012 due to management issues. The Penn Hill Group who are responsible for the Somerton Surgery are continuing to work with the Somerset Primary Care Trust to promote a new partnership of GP’s based in Somerton to hold the Primary Care Contract. Until this new partnership is in place there is no end user to commit to a new surgery building.

“It remains our intention to leave the remainder of the site available for the surgery to come forward at a later date. We are and always have been, committed to bringing forward a surgery on this site.”

CONSIDERATIONS

The approval of the previous applications has demonstrated the acceptability of the principle of the proposed development. The outline approval has agreed the points of access and the layout; this has been reinforced by the subsequent full approval. Accordingly, and notwithstanding continued local concern about the access arrangements, it is not considered that there have been any changes in circumstance for policy that could justify rejecting the proposed accesses, which are identical to those previously approved.

The general layout and level of development of this part of the site is essentially the

same, and the highways officer remains supportive, noting that 25 parking spaces is sufficient. Any additional parking requirements could be met by existing provision without detriment to the town centre or local amenities, and in any event other controls exist to regulate parking in public spaces.

No technical objections have been raised on the basis of drainage, archaeology, ecology, land contamination, noise or light pollution and in any event these matters are covered by condition attached to the outline permission.

On this basis it is considered that, in respect of the above issues and subject to appropriate safeguarding conditions, the proposal complies with policies EC8, EP1, EP3, EP5, EH12, EU4, TP1, TP2, TP4, TP6 and MC6.

It is therefore considered that the proposal falls to be determined on the basis of the matters reserved by the previous approval, namely:-

- Design and Appearance
- Landscaping
- Scale
- Omission of the doctors surgery

Design and Appearance

Whilst the comments of the Conservation Manager with regard to the design/appearance are noted, it has not been previously considered that this edge of settlement location is so sensitive that the new development should slavishly follow the design and general appearance of the existing buildings. The proposed materials, as specified on the submitted schedule (reconstituted stone, render and tiles) are considered acceptable, subject to the agreement of the colour of the render.

The window arrangement is such that no undue impact on residential amenity through overlooking/loss of privacy would arise.

Accordingly, and mindful of the previous approval an identical proposal it is considered that the design and appearance of the care home and surgery comply with the relevant parts of policies ST5 and ST6 and no harm to residential amenity would occur.

Landscaping

The landscape and tree officers are supportive of the proposal subject to compliance with the submitted details. As such this aspect of the proposal complies with policy EC3 and the relevant parts of policies ST5 and ST6.

Scale

The Conservation Manager has raised a clear objection to the height and bulk and is concerned that the introduction of such a large building could appear significantly out of place in this locality. In particular it is considered to be a potentially harmful feature in the street scene where development is typically domestic scale 2-storey detached dwellings at a relatively low density.

This concern was clearly articulated in the determination of the outline application; indeed an informative was added to the decision to remind the applicant of the Council's concerns over the impact of a substantial 3-storey structure.

The applicant has attempted to address this concern by lowering the building and designing it to appear as a 2½ storey structure. Further attempts to mitigate the building's visual impact have been made by lowering it by about 1m relative to behind Berry and breaking up the street elevation with the incorporation of projecting gables, set-backs of building lines, dormer windows with balconies and a variation of materials.

Whilst these steps are welcome it is considered that, at 12m high, c.55m long and up to 21m deep, the care home remains an imposing structure and potentially contrary to policies ST5 part 4 and ST6 (part 5). Previously such concerns were balanced against the benefits of providing a modern health centre that would be in the interest of the residents of Somerton.

As set out in the applicant's case the size of the building is necessary to ensure that care provision is economically viable and it is noted that the existing care facility at Wessex House is barely fit for purpose. Furthermore it is noted that the applicant remains committed to the provision of a surgery on this site. It is considered that these benefits weigh in favour of the application.

Accordingly, and in light of the steps that have been taken to mitigate the visual impact of the building and the mitigating landscape planting now proposed it is considered that any visual harm would sufficiently minimal so as to be outweighed by the benefits to the local community. On the basis that this element will be delivered as part of a comprehensive development this aspect of the scheme is considered to meet the requirements of policies ST5 and ST6.

Omission of the Doctors Surgery

It is accepted the previous inclusion of the surgery in the comprehensive scheme for the site (11/04811/FUL) weighed heavily in favour of that application. Its omission, which is acknowledged to be outside the control of the applicant, is disappointing.

Nevertheless it must be acknowledged that the Council's earlier approval of an identical care home established that its visual impact is not so serious that it demands an outright refusal. As noted above the scheme still brings tangible benefits for the community and does not preclude the future delivery of a medical centre on this site.

It should be noted that the outline permission does not constitute the allocation of this site for a surgery and there is nothing in that permission that dictates that a comprehensive reserved matters application should be made for the entire site.

Accordingly, whilst deeply regrettable it is not considered that the omission of the surgery from this reserved matters application is objectionable. Furthermore its omission should not lead the local planning authority to the conclusion that the previously approved care home should now be refused.

Other Issues

Turning to the outstanding comments made by local residents and members of the town council, the following observations are offered:-

- It has been confirmed that the applicant owns the adjacent bungalow, its later inclusion into a possible enlarged site for the surgery remains a possibility
- The amenity provision for the benefit of the occupiers of the care home has not changed and is still considered acceptable;

- The financial status of the applicant or the business plan behind the care home are not material considerations;

Conclusion

Notwithstanding the concerns raised by local residents and members of the town council, and acknowledging that this is a very finely balanced application it is considered that the proposed care home would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination have been adequately addressed by appropriate safeguarding conditions at outline stage. Any potential harm to visual amenity would, on balance, be outweighed by the benefits to the community of providing an affordable, modern care house to replace Wessex House, whilst safeguarding a site for a new medical centre.

RECOMMENDATION

Planning permission be granted subject to the following conditions.

Justification

The proposed care home in this edge of town location would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination have been adequately addressed by appropriate safeguarding conditions on the outline permission. As such the proposal complies with saved policies ST5, ST6, ST10, EC3, EU4, EP1, EP3, EP5, EP6, EH12, EC8, TP1, TP2, TP4, TP5, TP6 and MC6 of the South Somerset Local Plan, 2006.

Conditions

01. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, the tree protection measures set out on drawing SPP.1629.2D received by email 22/11/12 shall be implemented and the recommended protection measures shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason: To secure the planting of new trees and to preserve existing trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, the 2005 National Planning Policy Statement 1: Delivering Sustainable Development; Protection and Enhancement of the Environment [Sections 17 - 20] and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

02. The external materials shall accord with the updated 'Schedule of External Materials (26/11/12) received by email 28/11/12.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

03. No development hereby approved shall be carried out until particulars of the colour and finish of the external render have been submitted to and approved in writing by the Local Planning authority

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP6 of the South Somerset Local Plan.

05. The landscape plant scheme shown on drawing numbers SPP01629.2D and SPP.1629.3A shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

06. The development shall carried out in accordance with the following plans 4307-9H; 4307-20C; 4307-21D; 4307-22B; 4307-23B; 4307-25B; 4307-27B; HBHT10267/AT01

Reason: To define the development hereby approved.

Informative

You are reminded of the need to comply with the conditions attached to the outline permission (11/01556/OUT) for the development of this site.
