

Officer Report On Planning Application: 15/01310/FUL

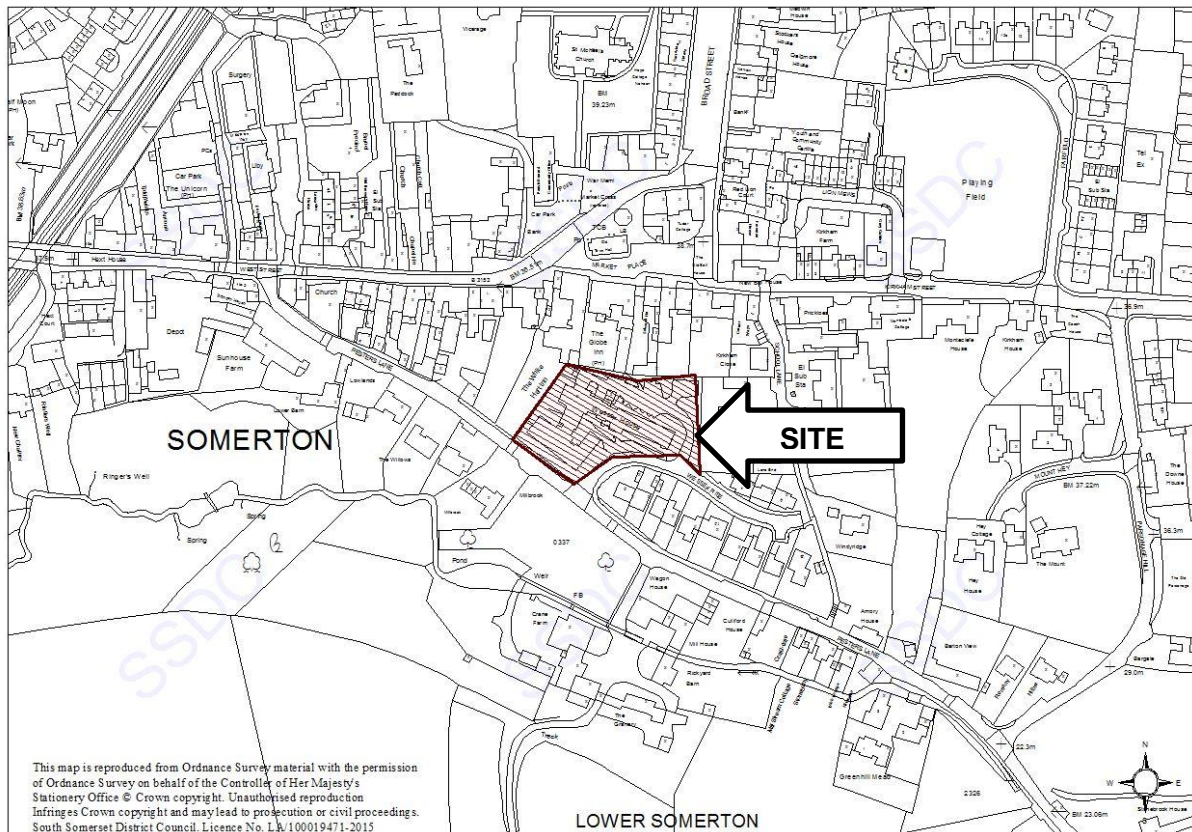
Proposal :	Demolition of existing care home and development of extra care units with communal facilities (GR:349036/128452)
Site Address:	Wessex House, Pestors Lane, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr S Page Cllr Dean Ruddle
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	18th June 2015
Applicant :	Close Care Homes (Somerton) Ltd
Agent: (no agent if blank)	John Sneddon, Tetlow King, Eclipse Office Park, High Street, Staple Hill, Bristol BS16 5EL
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the ward member with the agreement of the Chair to enable the issues raised by the Town Council and Local residents to be considered.

SITE DESCRIPTION AND PROPOSAL





The site adjoins the conservation area and the properties to the north, fronting onto Market Place are listed. There is a footpath running through the site which is subject to a County application to formalise as a right of way. A larger alder tree to the front on the existing building is covered by a provisional tree preservation order.

This is a proposal to demolish the existing 50 bedroom, Wessex House care home, built in 1981 on a sloping site at the junction of Pestors Lane and Wessex Rise. The replacement building (as amended) would comprise 55 bedrooms in 36 'close care' units, a mix of 1 and 2 bedroom self-contained apartments with shared facilities. 24 parking spaces would be provided.

The proposed structure would provide accommodation on 4 levels. The materials are stated to be a mixed of render, panelling and stone for the walls with a mix of slate and pantiles for the roofing. The application is supported by:-

- Planning Statement
- Design and Access Statement
- Transport statement
- Ecological Survey Report
- Statement of Community Involvement
- Tree Survey and Constraints Plan
- Services Assessment and Drainage Strategy

Minor revisions have been made to address concerns raised by the Police Architectural Liaison Officer. Additionally a Heritage Statement has been provided and the application amended (11/06/15) to introduce a break in roofline between the main part of the building in

Wessex Close and the Pester's Lane frontage. This latter revision has been subject to reconsultations.

PLANNING HISTORY

14/04195/FUL Planning permission refused for demolition of existing building and development of 40 Extra Care units with communal facilities:-

- 1. The proposed development, by reason of its flat roofed design, mixed palette of materials, scale and mass, would relate poorly to the small-scale, intricate, traditional pitched roof forms of the surrounding townscape to the detriment of the character and appearance and setting of the conservation area, the setting of nearby listed building, the visual amenities of the locality as well as longer views of the historic town centre from the publically accessible countryside to the south. As such the proposal is contrary to saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework, specifically Chapters 7 and 12.*
- 2. Notwithstanding the location near the centre of Somerton the proposal for the provision of 40 self-contained units of 'close care accommodation' with 22 parking spaces, would not adequately provide for the needs of residents, staff and visitors. No evidence has been provided to demonstrate that future occupiers would not own cars or that staff and visitors would have any option but to travel to work by private motorcar. Furthermore no evidence has been provided to demonstrate that there is sufficient capacity in the town centre car parks to absorb increased demand from this development. This failure to provide for reasonable parking requirements of the development would result in an unacceptable rise in demand for, and pressure on, on-street parking in the surrounding residential roads to the detriment of the amenities of the residents, particularly those in Wessex Close, and the safety of users of the public highway. As such the proposal is contrary to policies ST5 and ST6 the South Somerset Local Plan and, in the absence of a reasonable justification as to why there should not apply, the Somerset County Council Parking Strategy (2013) as relates to dwellings.*

770615 Planning permission granted for erection of care home (30/06/77)

An application (09/03669/FUL) was approved at appeal on the site to the west for refurbishment and regeneration of existing retail units, and creation of a mixed use scheme including a care home, assisted living and extra care apartments. This provided for 21 parking spaces to serve the 45 bedroom care home and 12 'assisted living' apartments

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

South Somerset Local Plan 2006 - 2028

SD1 – Sustainable development
SS1 – Settlement Strategy

SS3 – Delivering New Employment Land
SS7 - Phasing of Previously Developed Land
HG2 – The Use of Previously Developed Land for New Housing Development
HG6 – Care Homes and Specialist Accommodation.
TA1 – Low Carbon Travel
TA4 – Travel Plans
TA5 – Transport Impact of New Development
TA6 – Parking Standards
EQ1 – Addressing climate Change in South Somerset
EQ2 – general Development
EQ3 – Historic Development
EQ4 – Biodiversity

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012) – C2 uses 1 space per 6 bedrooms; C3 dwellings 1.5 spaces per 1 bedroom flat, 2 spaces per 2 bedroom flat

CONSULTATIONS

Somerton Town Council – initially objected on the grounds of:-

- Not enough amenity space
- TRO required for Pestors Lane for a total ban of parking including Disabled Parking due to the width of Pestors Lane
- Visual Impact, size and mass of the development
- Footprint of the building larger than existing development
- Confusion still remaining over the C2 OR C3 usage
- Parking insufficient

In relation to amended plans:-

- Visual impact, size & mass of the development
- Not enough amenity space
- Appearance of the structure not sympathetic to the existing environment with too many sections with a rendered finish.
- Not enough provision for safe pedestrian passage to the town via the use of the Footpath along Wessex House.
- Insufficient Parking
- Footprint of the building larger than existing development

County Highways – no objections to parking levels on the basis that the proposal is for a nursing home (class C2b) which would require 1 space per 6 bedroom (10 spaces for 55 rooms). The submitted parking strategy indicates the need for 16 spaces; 24 are now proposed. No objections on the grounds of access arrangements or highways safety.

SSDC Highways Advisor – refers to County comments.

Wessex Water – considers that the development will have minimal impact on their services and raises no objection.

RSPB – previously requested that nest boxes be incorporated.

SSDC Ecologist – no objections

Police Architectural Liaison Officer – originally raised concerns regards external lighting, width of footpath and boundary treatments. Accepted the revised details.

Landscape Architect – originally observed:-

The revised proposal remains substantial, yet its potential impact is now better mitigated by a reduction in height, with building scale and mass also reduced, in part by the revised elevational treatment. The reduction in height will result in the building mass being less over-bearing upon the surrounds, whilst the breaking-up of the arrangement of the building's main facades by set-backs and material changes, will enable a closer correspondence with the building forms and treatments of the surrounding built form. I also consider the proposed staging of floor levels to be a credible response to the rising topography across the site, to thus better integrate the proposed building into context.

If approved a landscape condition is suggested.

Conservation Manager – initially raised a number of concerns:-

"...the changes produced in this now revised design, incorporating the pitched roofs and steps to break up the mass and scale of the elevations have reduced the stronger reservations I had at pre-app stage. Make no mistake it is a very large building and taller than is typical of Somerton but the design does utilize the slope of the site to at least partially reduce the sense of this. The area that fails and is therefore of particular concern is the angle facing Wessex Close where a full 4 storey façade would be in evidence – a scale severely out of place in the context of the houses in Wessex Close immediately adjacent and illustrated in Section 1. This I consider needs further consideration.

The character of Pestors Lane has been one with prominent stone walling along much of the north side. This character was of course not adhered to by the current Wessex House but I advocate strong enclosure of the frontage to the lane (walling 1.5m high say) and the creation at the same time of more privacy to the outdoor spaces associated with the front ground floor flats.

Materials of the building will be of extreme importance and must be selected to merge in visually with the wider town both when seen from the more distant viewpoints to the south and also close up and especially in relation to the listed curtilages on the north and west sides. The materials and colours of the natural clay pantile roofscape and local lias stone walling will be key."

Subsequently:-

"We requested that the heritage statement be revised to assess the impact of the proposal upon the setting of adjacent listed buildings and the Somerton Conservation Area. I am afraid I regard the document to have failed to do this. However it does provide a comparison of the north elevation between the existing building and the proposal. This is useful and shows that the proposed is largely no higher than the existing except at the western end. Here the it is 2 storey where the existing is one and would therefore have a greater impact upon the Grade 2 listed White Hart but in my assessment, for an urban site, this would not be an unacceptably greater impact.

"For the other listed buildings on Market Place east of the White Hart and the conservation area the 2 storey north elevation I would expect not to result in an increased impact. In addition my understanding is that the site is at a slightly lower level (not unfortunately considered in the Heritage Statement), would again help reduce impact. Therefore from my knowledge of the area I consider impact upon heritage settings not to be significantly adverse.

"The design change to the Wessex Rise elevation has improved the scale and height in relation to the low buildings adjacent."

Climate Change Officer – supports

Environmental Protection Officer – whilst noting proximity of licenced premises, confirms that there is no history of complaints from the existing care home and raises no objection.

Housing officer – if the proposal is for C3 dwellings 35% should be affordable with 2/3 for 'social' rent

Archaeologist – no objection

REPRESENTATIONS

initially 14 representations were received, summarised as follows:-

9 raising objections:-

- Lack of parking on site
- Increased demand for on-street / public parking
- Lack of engagement from applicant
- Highways impacts of increased traffic on narrow surrounding roads
- Access difficulties for emergency vehicles and deliveries
- Building is too big for setting – physical and visual over-development
- Materials and design out of keeping
- Impact on historic town centre
- Impact on views of the town
- Scheme should be assessed as C3 (dwellings) not C2 (care home) as it is quite clearly an independent residential facility with insufficient parking.

One objector suggests that a smaller building would be supported, whilst another suggests that the proposal would not meet the local need for independent retirement flats. A third writer challenges the motives, approach and intention of the applicant and concludes:-

- i) There is no Environmental Risk Assessment Report.
- ii) Similarly, there is no Operational/ Management Report.
- iii) The Scheme represents overdevelopment and as such would be detrimental and harmful to the character of the area which borders a Conservation Zone.
- iv) This is NOT a C2 Usage Development – it is unambiguously C3 (b)
- v) Car Parking Provision is still woefully inadequate.
- vi) Irrevocable agreements should be applied to any proposed Scheme undertaking.

5 in support:-

- The proposal would provide supported living close to friends and facilities to those who would otherwise have to move out of Somerton
- Proposal would meet a local need (2 writers refer to parents living in the town who would like to live here, another believes it would be ideal for her being close to the town centre and an 83 year old respondent expresses a clear wish to live here thereby freeing up her 3 bedroom property for a family).
- Revisions are welcome – height and bulk are not unreasonable
- Refused collect via layby on pesters lane are preferable to providing a refuse store close to Wessex Close residents.
- Parking at 23 spaces (not 24 as stated) is appropriate based on 50 bedrooms (9 spaces + 1 guest space) plus 10 further spaces for the proportion of residents who may choose to own a car.
- Reservations are expressed about the usability of the parking spaces, but it is suggested that with daily usage this can be lived with.
- The design is suitable

It is noted an application to consider the recognition of a permanent right of way through the site (REF No RW/273324) is before the County Council. This should not be compromised in any way by the proposal. The access through the site should be maintained during construction and after construction linking Wessex Rise to the marked right of way through the Globe Public House car park and yard.

CONSIDERATIONS

The principle of a care facility, on this previously used site, in this location is clearly accepted by the existing use. There are not considered to be any grounds for a technical objection on the grounds of drainage, access or ecology and any issues arising from these matters could be conditioned. It is accepted that the scheme would provide much needed housing for the elderly in a suitable town centre location.

A number of concerns have been raised about the nature of the use proposed, mainly because this would affect the level of parking required. Whilst the submitted drawings show 36 self-contained flats it is not considered reasonable to simply assume that these will automatically fall within the C3 use class of dwellings. The applicant has provided a management plan that details the level of care to be provided and restrictions that would apply to residents. Details have also been provided on similar applications elsewhere that have been approved at appeal with occupancy restrictions.

Having considered these it is accepted that the applicant's business model does reflect a care home within the C2 use case and that subject to appropriate occupancy restrictions to those over 65 and signing up to a care package the development would operate as a C2

care home. Accordingly the scheme does not attract an affordable housing obligation and on this basis the key issues are design/size and appearance of the proposed building and the proposed level of onsite parking provision.

Design/Visual Impact.

Whilst the previous flat roofed building of this size, design and appearance was considered objectionable. The revised scheme (as amended), with pitched roofs, is considered to be of an appropriate form that would be in keeping with the character of the area, the setting of the conservation area and listed building. Whilst it would undeniably be large it would not be significantly larger than the existing Wessex House. On this basis it is considered that the general form and bulk, which follow the general footprint of the existing building, are acceptable.

With regard to the detail and design of the building it is considered that, subject the agreement of then detail, the external materials are appropriate to the location, in keeping with the surrounding properties in Wessex Close and Pestors Lane and would not be detriment to the nearby conservation area and listed buildings.

It is accepted that the proposed building would be visible in views of the town from open countryside to the south, however as the landscape officer notes any impact is now better mitigated by a reduction in height, with building scale and mass also reduced. The reduction in height also results in the building mass being less over-bearing upon the surroundings, whilst the breaking-up of the arrangement of the building's main facades by set-backs and material changes, better reflects the building forms and treatments of the surrounding built form. He considers the proposed staggering of floor levels to be a credible response to the rising topography across the site, to thus better integrate the proposed building into context.

On this basis it is considered that this revised scheme adequately addresses the previous objections to the flat roofed design, mixed palette of materials, scale and mass, which were considered to relate poorly to the small-scale, intricate, traditional pitched roof forms of the surrounding townscape, nearby conservation area and listed buildings. Consequently it is not consider that there would be a substantial adverse impact on heritage assets.

According the proposal is now considered to comply with policies EQ1, EQ2 and EQ3.

Parking

The proposal is now for a reduced number of units (36) and provide more parking (23 plus delivery bay) than previously proposed. Furthermore provisional management plan has been submitted that provides for a pool car and it has been confirmed that the applicant is willing to agree to limits on car ownership through an Operational Management Plan. It is also confirmed that an age restriction limiting occupancy to those over 65 would be acceptable.

It is considered that subject to conditions to achieve this the development would be operated at a care home with use class C2 and that the parking provision would be acceptable and in line with the requirements of the County's parking strategy and policy TA6.

Other issues

Whilst the concerns about the supporting information is noted, the proposal does not require a formal Environmental Impact Assessment and the submitted documents are considered adequate to support the application and do now include a draft operational management report which is appropriate to condition to ensure on-going compliance.

The applicant has sought the views of the town council and local residents. Whilst ultimately they have not been able to fully take on board all comments, this does not constitute a lack of engagement or any fault on their part.

The applicant is agreeable to a condition to safeguard the footpath route through the site. This would ensure that it remains available for use until the County considers the pending right of way application.

Conclusion

The application has been amended and supplemental information provided to address the previous reasons for refusal. The conservation manager and landscape architect are satisfied that the amended design addresses previous concerns about visual impact and relationship with historic assets. The reduction in the number of units, increased parking and additional information about the operation of the development are considered to satisfactorily address concerns that the scheme might be occupied as a residential development with higher parking requirements. It is reasonable therefore to apply lower C2 parking standards subject to conditions to ensure that occupation is as proposed.

There are not considered to be any other concerns that could justify withholding permission or that could not reasonably be addressed by condition. Accordingly the application is recommended for approval.

RECOMMENDATION

Grant Planning permission

Justification

Notwithstanding local representations the proposed extra care accommodation, on this previously used site, would contribute positively the supply of accommodation for the elderly, with the provision of adequate parking and is of an appropriate design that would not result in substantial harm to heritage assets, visual or residential amenity or highways safety. As such the proposal complies with policies SD1, SS1, SS3, SS7, HG2, HG6, TA1, TA4, TA5, TA6, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 4421 PL16C; 4421 PL10C; 4421 PL11C; 4421 PL12C; 4421 PL13C; 4421 PL14C; 4421 PL17F; and 4421 PL18D.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The use of the apartments within the building hereby approved shall, at all times and unless otherwise agreed by the local planning authority in writing, be used for the designed purpose of providing 'extra-care' living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments, are contracted into a care package and who have a minimum age of not less than 65 years of age as required by condition 04 of this permission. Furthermore the supporting staff and resources associated with the management of the site and the delivery and implementation of the individual care package(s) associated with the terms of purchase and occupancy of each apartment, together with the occupants' permitted use of the facilities provided within the approved building, shall be in accordance with the submitted application details, unless otherwise agreed by the local planning authority in writing.

Reason: To ensure that adequate parking is provided to meet the needs of the development without increase demand for this limited resource elsewhere and to ensure that the development, which provides no contribution towards affordable housing continues to meet the identified need with policies H6 and TA6y EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

04. The occupation of the apartments hereby approved shall at all times, and unless otherwise agreed by the local planning authority in writing, be limited to a person aged 65 or over and any resident dependants who satisfy the requirements referred to in condition 03 of this permission. No other person shall occupy any of the approved apartments.

Reason: To ensure that adequate parking is provided to meet the needs of the development without increase demand for this limited resource elsewhere and to ensure that the development, which provides no contribution towards affordable housing continues to meet the identified need with policies H6 and TA6y EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

05. Notwithstanding the details shown on the approved plans, no development shall take place until a scheme of hard and soft landscaping, which shall include planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities has been submitted to the Local Planning Authority. The details shall include existing and proposed finished levels, the position, design, and materials of all site enclosures and boundaries and hard surfacing materials. The scheme shall also include measures for the protection of existing trees and hedgerows to be retained during the course of development. No works involving the above landscaping scheme shall be carried out until the submitted details have been approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or its completion, whichever is the sooner; and any trees or plants which within a period of 5 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 policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

06. The development hereby permitted shall not be commenced until a scheme for the long term maintenance for all hard and soft landscaping areas has been submitted to and approved in writing the District Planning Authority. Such an approved scheme shall thereafter be implemented in full.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

07. Before the start of the development hereby permitted a scheme for external lighting of the site shall be submitted to the Local Planning Authority. No works on this scheme shall be carried out until the scheme has been approved by the Local Planning Authority. The scheme shall be carried out as approved.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

08. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:-
- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) a details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c) details of all hardstanding and boundaries
 - d) details of the rainwater goods and eaves and fascia details and treatment.

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 policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interests of highways safety and to ensure that the development is adequately drained in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

10. Before any dwelling hereby permitted is first occupied, a footway shall be constructed along the entire frontage of the site as shown in generally in accordance with drawing number PL16 and to a specification approved in writing by the Local Planning Authority prior to first occupation.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

11. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and

approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

12. The area allocated for parking and turning on the submitted plan, drawing number PL16, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

13. No development shall hereby comment until a Measures Only Travel Plan has been provided and approved by the Highway Authority. The agreed Travel Plan shall be implemented in accordance with the timetable set out in the Travel Plan.

Reason: To promote low carbon travel in accordance with policies TA1 and TA4 of the South Somerset Local Plan 2006 – 2028.

14. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

15. No development shall commence until a scheme of bird and bat boxes for the site has been submitted and approved by the local planning authority. The boxes shall be erected in accordance with the approved details prior to occupation and retained thereafter.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

16. No development shall commence until details of a scheme to safeguard the route of the footpath through the site from Wessex Rise to the footpath on the northern boundary of the site has been submitted to and agreed in writing by the local planning authority. Once agreed such footpath route shall be kept available for public use at all times thereafter, including throughout the demolition and construction phases unless agreed otherwise in writing by the local planning authority

Reason – In the interests of pedestrian safety in accordance with policy EQ2 and TA5 of the South Somerset local Plan 2006-2028

Informatives

1. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement well in advance of commencement of development.
 2. You are reminded that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
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