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# Appeal Decision

Site visit made on 27 April 2016

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 June 2016**

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**Appeal Ref: APP/R3325/W/15/3141567**

**Wessex House, Pestors Lane, Somerton, Somerset TA11 7AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Close Care Homes (Somerton) Limited against the decision of South Somerset District Council.
  - The application Ref 15/01310/FUL, dated 18 March 2015, was refused by notice dated 23 July 2015.
  - The development proposed is demolition of existing care home and development of Extra Care units with communal facilities.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing care home and development of Extra Care units with communal facilities at Wessex House, Pestors Lane, Somerton, Somerset TA11 7AA in accordance with the terms of the application, Ref 15/01310/FUL, dated 18 March 2015, subject to the conditions in the attached Annex.

## Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance and setting of the Somerton Conservation Area (the CA), preserve the setting of adjacent Grade II listed buildings (the LBs), and the effect on the character and appearance of the surrounding area generally.

## Reasons

3. The CA is characterised by a variety of mainly stone faced pitched roof buildings, including a number that are listed for their historic importance. The site is located outside of but immediately adjacent to the CA, which also excludes the other dwellings in Wessex Rise. The LBs adjacent to the site are located to the north of the site comprising The White Hart Inn, The Globe Inn, Selwood House, and Nos 1 and 2 Market Place. Therefore, special attention has to be paid to the desirability of preserving or enhancing the character or appearance and setting of the CA and preserving the setting of the LBs.
  4. The proposed development would introduce additional floors compared with that existing and so would add significant extra bulk. However, as well as the proposed building height being staggered to reflect the drop in levels from north to south, those site levels would be lowered to account for that additional
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- bulk. This would therefore minimise any additional visual impact, particularly as the overall height of the building would be similar.
5. The front elevation facing Pestors Lane would remain as three storeys and only slightly nearer to the road, and the third storey would be partially within the roofspace. However, the upper floors would no longer be set back, as is the case with the existing building, and the second floor would be significantly wider, such that it would be more prominent. Nevertheless, the degree of set back, behind the line of an adjacent fairly high wall to the west and in the context of the slightly raised position of existing Wessex Rise dwellings above Pestors Lane to the east, it would not be so prominent as to dominate the street scene, including buildings within the CA.
  6. The full four storey element would be substantially higher than the respective existing part of the building that it would replace, but again it would be a similar height to the highest part of the rest of the building. That section would also be set well back from the road side of Wessex Rise so as to avoid it having an unacceptably enclosing or overbearing effect, and a retained mature tree, protected by a Tree Preservation Order, would further soften its appearance.
  7. In terms of the LBs to the north of the site, the two storey form of the northern part of the proposed building, together with the degree of space around it, would ensure that it would not dominate those LBs.
  8. The proposal would involve significant areas of less typical rendering. However, this would be balanced by the more traditional stone finish on key feature elements of building including the gables. The combination of the two materials would also create visual breaks that would help to reduce the overall massing effect of the building.
  9. A characteristic feature of the longer range views of the settlement from public footpaths in the open countryside to the south is the varied roofscape comprising mainly pitched roofs. Those views would be altered by the proposal and the additional bulk of the four storey element would obscure some existing roofs and trees to the north of the site. However, the pitched roof design, broken up with gables, together with the use of appropriate materials, would ensure that it would complement those existing buildings within the CA, including the LBs to the north and also further to the west along West Street. The height would also be such as to avoid it materially obscuring views of the listed church further to the north of the site.
  10. The glass atrium feature atop the four storey element would be clearly noticeable from those longer views to varying degrees. Although not an expected roof form in the context of the existing surrounding roofscape, its glazed design would be likely to lighten its appearance and it would also be confined within two pitched roof areas which would provide it with some degree of screening. As such it would be unlikely to comprise a dominating or obtrusive feature.
  11. For the above reasons, the proposed development would preserve the character and appearance and setting of the CA, would preserve the setting of the LBs, and would not cause unacceptable harm to the character and appearance of the surrounding area generally including Wessex Rise and the countryside to the south. As such it would accord with Policies EQ2 and EQ3 of the South Somerset Local Plan which together require the achievement of high

quality design and that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. It would also accord with the National Planning Policy Framework which in sections 7 and 12 respectively sets out the requirement for good design and conserving and enhancing the historic environment.

*Other matters*

12. In respect of whether the proposed use would be regarded as being within the C2 (residential institutions) or C3 (dwellinghouses) use class, based on the submitted evidence of the proposed nature of the proposal as an extra-care facility for the elderly, I am satisfied that, despite the self-contained flats, it would be a C2 use. As such, it would not attract an affordable housing planning obligation and I have also not received any substantive evidence to support claims that such obligations have been secured on other C2 developments elsewhere in the District.
13. I have had regard to concerns raised about provision for adequate parking on the site, in terms of the risk of any unacceptable intensification in the demand for parking on the surrounding streets, and increased traffic in the vicinity. In terms of on-street parking, it would be necessary to avoid the potential for inappropriate and obstructive parking resulting from the development and the resultant risks to highway and pedestrian safety. I am satisfied, based on the evidence submitted, that the proposed level of on-site parking would be sufficient for the nature of the use and occupancy of the proposed development, and that there would be unlikely to be an increase in traffic movements that would be disproportionate to the nature of the local road network. In this regard, the occupancy of the development could also be controlled through a planning condition.
14. Concerns raised about the effect upon the amenities of local residents during the construction phase could be mitigated through a condition to secure a Construction Management Plan.
15. I have had regard to the amount of outdoor amenity space proposed. Whilst this would be fairly limited, I note that there would be a combination of some communal and private outdoor space, as well as a number of balconies and indoor communal space. I am therefore satisfied that residents' living conditions would be acceptable in this respect. I have also received insufficient substantive evidence to demonstrate that the size of the proposed development would be inappropriate in terms of viability or the living conditions of prospective residents generally.
16. The Council has confirmed that a formal Environmental Risk Assessment Report would not be required for the proposal and I have no reason to consider differently.
17. In respect of the need for the type of accommodation proposed, although it is disputed as to whether this has been clearly demonstrated, it would nevertheless replace an existing, albeit vacant, care facility and would be providing accommodation for the elderly, who require care, in a sustainable location close to the town centre. I have not received any substantive evidence of an over-riding need for an alternative use of the site such as for starter flats and bedsits.

### *Conditions*

18. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wordings.
19. The standard time condition is required in this case, and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is also required.
20. In the interests of the character and appearance of the surrounding area, conditions relating to the following would be necessary: landscaping details, including tree and hedgerow protection measures, boundary treatment details, and long term maintenance measures for all hard and soft landscaping; external lighting details; samples of the materials to be used in the construction of the external walls, roofs, windows (including any rooflights) and doors; details of the recessing of all new windows and doors; and details of the proposed rainwater goods, eaves and fascias and their treatment. Details of hardstanding and boundaries referred to in suggested condition 8 would be covered under the separate landscaping condition.
21. In the interests of highway and pedestrian safety, conditions relating to the following would be necessary: in terms of ensuring adequate provision for parking, the securing of the occupancy of the development to those intended in respect of it being 'extra-care' accommodation for people aged 65 or over, which would also ensure that it continues to meet housing policy requirements given that the proposal does not provide for affordable housing; surface water drainage details; provision of a footway across the site frontage; retention of the parking and turning areas for those purposes only and without obstruction; and a scheme for the safeguarding of the route of the footpath through the site. In respect of securing the occupancy, notwithstanding the information already submitted, I consider that it would first be necessary to secure the submission of a clear statement of the proposed operational management in order to provide sufficient control through the condition.
22. In the interests of environmental sustainability a condition to secure a Travel Plan to promote low carbon travel would be necessary.
23. To ensure that the amenities of the locality are safeguarded during the demolition and construction phases, a condition to secure a Construction Management Plan would be necessary.
24. The ecological features of the site would need to be protected through a condition to ensure provision for bird and bat boxes to be installed.

### **Conclusion**

25. For the above reasons, I conclude that the appeal should be allowed.

*Andrew Dawe*

INSPECTOR

## **Annex**

### **Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL10 revision C, PL11 revision C, PL12 revision C, PL13 revision C, PL14 revision C, PL16 revision C, PL17 revision F, PL18 revision D, PL19 revision B, PL24.
- 3) 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 4 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 and an operation management statement, which shall be submitted to and approved in writing by the local planning authority before any development takes place, unless otherwise agreed by the local planning authority in writing.
- 4) 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 dependents who satisfy the requirements referred to in condition 3 of this permission. No other person shall occupy any of the approved apartments.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities, and measures for the protection of existing trees and hedgerows to be retained during the course of development; existing and proposed finished levels; the position, design and materials of all site enclosures and boundaries; and hard surfacing materials.
- 6) 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 approval to any variation.
- 7) No development shall take place until a scheme for the long term maintenance of all hard and soft landscaping areas has been submitted to

and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full.

- 8) No development shall take place, nor any external lighting works carried out, until a scheme for external lighting of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved.
- 9) No development shall take place until the following have been submitted to and approved in writing by the local planning authority: samples of the materials to be used in the construction of the external walls, roofs, windows (including any rooflights) and doors of the building hereby permitted; details of the recessing of all new windows and doors; and details of the proposed rainwater goods, eaves and fascias and their treatment. Development shall be carried out in accordance with the approved details.
- 10) The development hereby permitted shall not be first occupied until surface water drainage works, including measures to prevent disposal of such water from the site onto the highway, have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Those details shall include details of gullies, connections, soakaways and means of attenuation on the site. That provision for surface water drainage shall thereafter be maintained at all times.
- 11) The development hereby permitted shall not be first occupied until a footway has been constructed along the entire frontage of the site in accordance with that shown generally on drawing number PL16 revision C and a specification which shall have first been submitted to and approved in writing by the local planning authority.
- 12) The areas allocated for the parking and turning of vehicles, as shown on drawing number PL16 revision C, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
- 13) The development hereby permitted shall not be first occupied until a Travel Plan to promote low carbon travel has been submitted to and approved in writing by the local planning authority. That Travel Plan shall thereafter be implemented in accordance with measures contained within it.
- 14) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - i) construction vehicle movements;
  - ii) demolition and construction operation hours;
  - iii) construction vehicle routes to and from the site;
  - iv) construction delivery hours;
  - v) expected number of construction vehicles per day;
  - vi) the parking of vehicles of site operatives, contractors and visitors;
  - vii) specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - viii) a scheme to encourage contractors to use public transport.

- 15) No development shall take place until a scheme for the provision of bird and bat boxes for the site has been submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and retained as such thereafter.
- 16) No development shall take place 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 have been submitted to and approved in writing by the local planning authority. The footpath route shall be kept available for public use at all times thereafter, in accordance with the approved scheme, including throughout the demolition and construction phases unless agreed otherwise in writing by the local planning authority.