

Application Number	2023/2088/FUL
Case Officer	Ed Winter
Site	The Laurels Westfield Lane Draycott Cheddar Somerset
Date Validated	31 October 2023
Applicant/ Organisation	Country Court Care Limited
Application Type	Full Application
Proposal	Replacement of the existing 21-bed residential care home and adjoining land with a new 49-bed care home together with communal, support and staff spaces and associated works. (Re-submission of 2023/0278/FUL).
Division	Mendip West Division
Parish	Rodney Stoke Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

### **Scheme of delegation**

The application is considered to be a departure from the local plan because it lies partly within land allocated within the local plan for dwellinghouse accommodation whereas the application is for care home accommodation.

The officer recommendation is to approve the application whereas Rodney Stoke Parish Council (which includes the village of Draycott) objects to the proposal. Therefore, in accordance with the scheme of delegation, the application is to be decided by the Planning East Committee.

### **Description of proposal, site and constraints**

The application is for the replacement of an existing 21-bed residential care home and adjoining land with a new 49-bed care home together with communal, support and staff spaces and associated works. The site is located on Westfield Lane, on the western edge of the village of Draycott and is gently sloping from the north down to the south. The site includes a field to the rear of the existing care home. The Mendip Hills National Landscape (formerly known as Area of Outstanding Natural Beauty) is visible to the north of the site. The field element of the site is surrounded on all sides by established hedges. The care homes itself has been previously extended and has a roughly L-shaped footprint, with a single-storey projection to the front. Westfield Lane is a single-track lane characterised by detached two-storey dwellings and bungalows in good sized plots. To the south of the site, there are long-distance views across The Levels.

## **Relevant history**

067402/013: Erection of conservatory, internal alterations and first floor extension over existing (DEL). Approved 22.11.2005

2023/0278/FUL: Replacement of the existing 21-bed residential care home and adjoining land with a new 57-bed care home together with communal, support and staff spaces and associated works. Withdrawn (the withdrawn application consisted of two and three storey elements with a ridge height of 38.6m AOD (sea level), resulting in a ridge height of 11.24m for the front element).

## **Summary of divisional councillor comments, parish council comments, representations and consultee comments**

*Divisional member: no comments received.*

*Rodney Stoke Parish Council*

Initial comments:

*Rodney Stoke Parish Council recommend refusal of the proposal on the following basis:*

*“The proposal is supported in principle as it is a needed facility, however the Parish Council have the following reasons to recommend refusal:*

*The parking is not adequate in this location. There is no alternative parking in the vicinity and the village Lanes and streets already suffer from parking problems. Whilst standard parking requirements may be acceptable in other locations where alternatives are available, in Draycott appropriate provision should be made to control the impact on residents. There is no public transport close to the facility. The narrow lanes with poor visibility make cycling hazardous.*

*Access through Westfield Lane and Latches Lane is restricted by the width of the Lanes. Access into the site itself is restricted by the narrow width of Westfield Lane at this point. The access from North Close to the rear of the property is not a suitable access for larger emergency vehicles due to the narrow width of the road which is exacerbated by residential parking. There is concern over the access to the rear of the care home for vehicles such as fire engines.*

*Due to the double bend restriction on Back Lane; and the width restrictions on Latches Lane and Westfield Lane; the proximity of residential properties and parking issues at the site, where the care home will continue to operate during any proposed construction, it is requested that a construction management plan be developed and approved before any decision is made.*

After updated plans submitted:

*With regard to the updated plans, the Parish Council is very disappointed that there were not more parking spaces allocated due to the existing problems with the lack of parking space in the village.*

*Should The Laurels development go ahead we would request that the area to the rear of the development accessing North Close is restricted to use only by the Laurels and should not be used as an access for other development in the area.*

*We would also request that any permission is conditioned to retain 8 spaces in this area, which should not be repurposed for other development.”*

### **Neighbour representations**

All comments are included in full on the planning webpages. The below is a summary of comments received. Objections have been received from four households, with a total of five objectors.

### **Height and Size of Buildings:**

- Objections regarding the height and size of the proposed buildings, which are deemed out of keeping with the surrounding development and would negatively impact the character of the area.

### **Impact on Amenity:**

- Concerns raised about overbearing and overlooking.

### **Commercial Site in Residential Area:**

- Concern over intensification of a site in a rural residential area, with increased activities and traffic movements causing nuisance and disturbance to local residents.

### **Traffic:**

- Concern over construction and post-construction traffic, given narrow and winding lanes.
- Concerns about the safety of pedestrians, cyclists, and children walking to school due to increased traffic movements and narrow roads without pavements

### **Parking Issues:**

- Concerns about inadequate parking provisions for staff, visitors, and service providers, leading to potential congestion and parking on neighbouring properties' land.

### **Road Conditions:**

- Criticisms of the current state of road conditions, particularly Westfield Lane, and concerns that increased traffic from the proposed development would exacerbate the problem.

### **Consultee comments**

*SC Contaminated land: No objection.*

SC Ecology: No objection subject to conditions.

*SC Environmental protection: No objection subject to the inclusion of a condition relating to construction hours operation.*

SC Highways authority: No objection.

*“This application is a resubmission of a previous application, 2023/0278/FUL, which sought permission for a higher number of beds in the care home. The Highway Authority did not object to the previous scheme, and as this proposal would see a reduction in the number of beds with no other changes in terms of Highway Safety the Highway Authority would respectfully refer you to the previously submitted comments and recommended conditions as these would apply equally on this application.”*

Comments from SC Highways on 2023/0278/FUL:

*“The proposal would not appear likely to result in a severe increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network.”*

*SC Housing enabling: No objection.*

SC LLFA: No objection subject to conditions.

SC Tree officer: Comments on the withdrawn 2023/0278/FUL: No objection subject to the inclusion of a condition to protect retained trees.

*Wessex Water: No objection.*

### **Summary of all planning policies and legislation relevant to the proposal**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites & Policies (2021)
- Somerset Waste Core Strategy
- Somerset Minerals Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP14 (Housing Mix and Type)
- DP23 (Managing Flood Risk)
- DR1 (Land at Westfield Lane, Draycott)

#### **Other possible relevant considerations (without limitation)**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)
- Greenspace Supplementary Planning Document (SPD)

#### **Principle of the use**

The site is located within the defined settlement limits of Draycott, a primary village as defined by the local plan (part 1). The site is also within a site specifically allocated for development in local plan part 2: allocation DR1 (Land at Westfield Lane, Draycott). DR1 has a number of development principles and design requirements, as follows:

- 1. A minimum of 33 dwellings including affordable housing consistent with relevant policy.*
- 2. Sites DRAY004a and DRAY022 should be masterplanned and developed together to provide a comprehensive scheme.*
- 3. Have particular regard to site layout, building height, and soft landscaping, to minimise the visual impact of the development in this rural location and the setting of the village in regard to the AONB.*
- 4. New development should reflect the local materials and style.*

5. *The site should be designed to safeguard the amenity of neighbouring residential properties.*

6. *Opportunities should be taken to maintain or enhance biodiversity and particular consideration will be needed of the impact on designated sites. 0.4ha of accessible replacement habitat for bats will be required on site.*

7. *A suitable access will need to be provided and careful consideration of the impact of traffic on the roads around the site will be required. Road conditions may limit the capacity of the site.*

8. *Links to the existing network of footpaths and pavements should be provided to facilitate pedestrian access to core facilities in the village core and should avoid increased pedestrian use of the A371 corridor wherever possible.”*

The proposed development is not a form of development required by policy DR1. Policy DR1 requires 33 houses and the proposed development is for care home accommodation only. The proposed development would therefore reduce the area available for the delivery of 33 houses. The proposed development should therefore be considered a departure from the local plan.

The applicant made a pre-application submission and the LPA agreed that the provision of care home bed spaces could offset the required number of homes to be provided on the allocated site, on the basis that both care home and dwellinghouse accommodation count as ‘housing’ and the provision of care home bed spaces is considered to be positive in the overall housing supply. Specific need for care home accommodation is also identified in the strategic housing market assessment.

The information submitted as part of the design and access statement shows that 23 dwellings could be accommodated on the remainder of the allocated site, if the care home expanded onto the field to the rear as proposed. However, it must be noted that the acceptability of the 23 theoretical remaining capacity has not been assessed.

While the proposed development is a departure from the local plan, it is considered material to the principle of the proposed development that the proposed development represents the expansion of an existing care home.

The local plan does not make specific numerical requirements for care homes in the way that it does for general housing. There is no five-year supply requirement for care homes, but the provision of care home accommodation can be counted towards the five-year supply.

Local plan policy DP14 (Housing Mix and Type) states that “proposals for care homes or similar specialist accommodation that meet an identified local need will be permitted in accordance with the Plan’s overall spatial strategy.”

While the local plan itself does not mention an identified local need for care homes, the basis of needs information for all types of housing is the Strategic Housing Market Assessment 2016 (SHMA).

The SHMA identified a supply of 1,243 bedspaces in Mendip, made up of residential care and nursing care homes. The Laurels is a residential care home and all of the proposed beds would fall within this category. The SHMA acknowledges that with the increase in the provision of extra care (which is residential accommodation in use class C3 “dwellinghouses”, with an extra care element), this may result in a lesser need for care home bedspaces. However, even accounting for this, the SHMA identifies a need for 42 care home bedspaces per year between 2014-2039.

Based on the level of need for care home bed spaces, the proposed development is considered to make an important contribution to the supply of care home bed spaces. On this basis, and given that the application represents the expansion of an existing care home within the defined settlement limits of a primary village, the proposed development is considered to accord with the general aims and spatial strategy of the plan, while being in conflict with the specific requirements of policy DR1 (Land at Westfield Lane, Draycott). Overall, the principle of the proposed development is considered acceptable.

### ***NPPF as a material consideration and whether the “tilted balance” is engaged***

There is currently no five-year housing supply in Somerset East. As care home accommodation can be counted toward the five year supply, it is considered ‘housing’ for the purposes of NPPF footnote 8. Therefore, the tilted balance is engaged and the application should be granted unless the harms significantly and demonstrably outweigh the benefits.

### **Design and appearance**

The proposed development is considered to represent a fairly high land-take of the site (i.e. much of the site would be developed), when compared to other residential properties within the immediate area, which tend to be detached properties in generous plots. The site plan illustrates this.

However, this above average land-take would not be readily appreciable from the ground and if viewed from the Mendip Hills, it is considered unlikely that the coverage of the

buildings on this site would appear incongruous, due to the distance between the site and viewpoints on the Mendips.

When viewed from Westfield Lane, the proposed development would appear larger than the existing building, but it would remain two-storey. The ridge height of the existing building is 7.15m (34.51m AOD), whereas the height of the proposed 'main' volume would be 9.29m (36.65m AOD (sea level)), an increase of 2.14m.

The proposed development consists of four linked elements. The ridge height of all four elements would be 36.65m AOD, but as the land rises toward the back (north-east) of the site, the care home would be dug into the hill, thus reducing its visual prominence. Thus, overall ridge heights would be as follows, when compared to ground level:

- Front element ridge height: 9.29m (36.65m AOD)
- Second element ridge height: 8.55m (36.65m AOD)
- Third element: 7.81m (36.65m AOD)
- Rear element: 6.36m (36.65m AOD).

All elements would have two storeys except for the rear element, which would be single storey. The linking elements would be indented in terms of floor plan and with flat roofs to eaves height.

By way of comparison to the context, this part of the village is characterised by dwellings of one or two storeys, which tend to sit comfortably with their plots. Ridge heights of neighbouring properties are as follows:

- Lower Westfield House, (two-storey) NW of the site: 35.15m AOD
- Little Paddock, (bungalow) SE of the site: 32.22m AOD

Accordingly, the front element of the proposed care home would be 1.5m taller than Lower Westfield House and 4.43m higher than Little Paddock. The main ridge of the existing care home is 0.64m lower than Lower Westfield House and 2.29m higher than Little Paddock.

The withdrawn scheme (2023/0278/FUL) was 38.6m AOD/11.24m for the front element, with two and three storeys. The amended scheme has, according to the applicant, been reduced as far as possible, while ensuring the scheme remains viable.

The roof of the proposed development is hipped, to reduce the mass of the roof near the site boundaries (the withdrawn scheme featured a roof with full gables).

The main elevation (as viewed from the car park/main entrance) would be clad with natural rubble stone with some vertical cedar cladding above and below the first-floor window on the front gable. Natural rubble stone would also be used for the other elevations of the



front element and for the ground floor of the second and third elements, with cedar cladding to the first floor of these elements. The single storey rear element would also be clad in cedar, with the linking elements rendered with a charcoal colour.

Roof coverings would be grey tile to the first three elements and a metal roof to the rear element. Solar PV would be provided on the south-eastern slope of the second element and south-western slopes of the third and rear elements. The larger linking part, between rear and third elements would feature a green roof, with the remaining two links covered with a single ply flat roof membrane.

Windows and rainwater goods would be aluminium throughout.

The overall architectural design is considered to be contemporary, with large windows to the main elevation and the turned front gable. However, the extensive use of natural rubble stone offers the opportunity to reflect materials characteristic of the area. Full details of materials would be secured by condition.

While the design and appearance of the building is principally about external appearance from a planning perspective, the function of the building is also considered quite relevant to this application.

The existing building is not a purpose-built care home and does not offer the quality of accommodation that people currently seek. For example, most rooms do not have full en-suite facilities (the current rooms have a toilet and a basin but no shower/bath, 1.5-2sqm in size) and room sizes themselves vary, but are in general around 10sqm, which is smaller than the rooms that would be offered in the proposed building. The corridors in the existing building are narrow with many turns, making moving around the building less than ideal for residents and staff.

All bedrooms in the proposed building would be 15sqm plus a 4sqm en-suite bathroom. Lounge and activity rooms would also represent a significant improvement in accommodation in the proposed building as compared to the existing.

Overall, the design and appearance of the proposed development is considered an improvement over the existing building, despite its larger size. This is because while the existing building is of a size that is more similar to dwellings in the area, the existing building's larger front extension interferes with the building's overall appearance and legibility. The front extension area of the existing building includes bedroom spaces, which are right at the front of the building. The outside seating area around these bedrooms is also right at the front of the building, offering limited privacy.

In contrast, the proposed building would be purpose-built and offer a clear division of the more public front elevation and the more private areas to the rear.

The new car parking arrangement is also considered to be neater than the existing arrangement, with 25 car parking spaces (8 to the rear and 17 to the front, including 3 disabled bays) as compared to the existing car parking area, which offers 9 or 10 unmarked parking spaces, with no allocated disabled spaces.

Taking account that the site is an existing care home, the form and function of the proposed development is considered to accord with DP7 of the local plan.

### **Amenity**

The proposed development would introduce a larger building on the existing site and the second, third and rear elements would be built on what is currently an agricultural field. The second, third and rear elements are not considered to result in any amenity impacts such as overlooking or overbearing because the adjacent land to the north-west is in agricultural use and despite being allocated for residential development, there are currently no plans for the site and should a scheme come forward, it would need to respond to the proposed care home to ensure the two scheme are compatible.

To the south-east of the rear field, there is a paddock but this has planning permission for a single dwelling. The permitted dwelling has limited windows facing towards the application site and it is considered that separation distances are sufficient to protect amenity.

There are residential properties either side of the application site. However, there would be no windows on either side elevation at first floor level and this is considered sufficient to protect the adjacent properties from overlooking.

While the proposed care home is taller than the existing care home, the roof is hipped so as to reduce the mass of the roof so that there would not be an undue overbearing impact on the neighbouring properties. Nor would there be undue overshadowing, given that shade created from the proposed building would fall mainly within the application site.

The proposed development is therefore considered to accord with policy DP7.

### **Highways and parking**

The current care home 9 or 10 unmarked parking spaces, with no allocated disabled spaces.

The proposal would see the inclusion of car parking for 25 vehicles (17 at front and 8 at rear), including 3 disabled bays and an electric vehicle charging space. A separate access at the rear, from Strawberry Close, would be used to access the 8 spaces at the rear.

The Somerset Parking Strategy (SPS) sets out the level of car parking required by new development. For a residential care home in this location the SPS requires one car parking space for every 4 bedrooms, along with the provision of cycle storage at a rate of one cycle per 13 bedrooms, one motorcycle space and electric vehicle charging points. Therefore, the required number of car parking spaces is 14.2 and 4 cycle storage spaces.

The submitted drawings indicate the location of the cycle storage, but do not provide details of the number or type. They should be suitable, accessible and secure. These details can be secured by condition.

Therefore, the proposed development over-provides in terms of car parking. This is deliberate, and indeed the provision of car parking spaces has been maximised, due to comments received from Rodney Stoke Parish Council, and local residents, both of whom have expressed concerns about there not being enough car parking provided at the care home at present, or as part of the proposals. There are no obvious ways to further increase car parking provision.

The Highway Authority have considered the details of the proposal and given that the proposal would not appear likely to result in a severe increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network, there is no objection to this proposal from the Highway Authority, subject to conditions on access construction, cycle parking, visibility splays, electric vehicle charging points and parking bays, surface water drainage, construction management and travel statement being attached to permission, if granted.

The proposed development is therefore considered to accord with policies DP9 and DP10.

### **Heritage assets**

The site is not within the vicinity of designated or non-designated heritage assets, nor is it within an area of high archaeological potential. It is therefore not anticipated that any harm to any designated heritage assets would arise as a result of the proposed development and therefore the proposals are considered to accord with policy DP3.

### **Landscape**

The village of Draycott lies at the south-western edge of the Mendip Hills National Landscape (NL – former AONB, the NPPF still refers to AONB). NPPF paragraph 182 states

that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the AONB. The site is considered to be located within the setting of the AONB, given that the site is only around 300m from the edge of the AONB, from where the land rises steeply and there is clear intervisibility between the AONB and the site.

However, while much of the site is undeveloped, the proposed development is not considered to adversely affect the AONB, because it is mainly located within the existing village envelope and the undeveloped field behind the existing care homes lies between two areas of housing within the village. The proposed development would therefore be seen as infill within the village and when viewed from the NL, it would not appear incongruous with the rest of the village.

The proposed development is therefore considered to accord with policy DP4.

### **Trees**

The site contains both trees and hedgerows and these are to be retained in the proposals. The tree and woodland officer has raised no objection subject to a condition that adequate protection is given to retained trees.

The proposed development is therefore considered to accord with policy DP7.

### **Land drainage**

The lead local flood authority (LLFA) has reviewed the application and raises no objection subject to conditions on details of surface water drainage, (including its maintenance). The LLFA's comments are also made on the proviso that Wessex Water agree to the proposed discharge rate. Wessex Water has confirmed that they have no objection to the proposed development.

### **Ecology**

#### *Somerset Levels and Moors Ramsar Site*

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and would be connected to a wastewater treatment works that is not functionally linked to the Ramsar site. Therefore, no phosphate mitigation is required.

#### *North Somerset and Mendip Bats Special Area of Conservation*

The site lies within band B of North Somerset and Mendip Bats SAC designated for lesser and greater horseshoe bats. The SAC is made up of several discrete sites, the nearest of

which is located c. 2.7 km to the north. Somerset Ecology Services have reviewed the application and raise no objection subject to conditions specifying a landscape and ecological management plan, a construction ecological management plan, external lighting, no removal of hedgerows or trees during nesting season, protection measures for hedgerows, trees and certain fauna and a habitat enhancement area of *equivalent to 0.108* hectares for horseshoe bats, (as stated in the submitted Habitat Enhancement Procedure report) as well as other enhancements.

The proposed development is therefore considered to accord with policies DP5 and DP6.

### **Sustainability and renewable energy**

The design and access statement states:

*“In terms of design the approach is to specify a building envelope with high levels of insulation and airtightness thereby increasing thermal efficiency and reducing the heating load requirements.*

*The building will be largely naturally ventilated with high thermal mass avoiding costly air conditioning where possible. Other sustainable features include solar hot water and photovoltaic panels, LED lighting, and low flush WC’s. Materials from the demolition of the existing will be utilised in the substructures where possible, and natural locally sourced materials will be utilised where possible.”*

The proposed roof plan shows that three roof slopes would include solar panels. However, other than showing an area where solar panels could go, there is no further information on the number of solar panels or whether this will be sufficient to cater for the needs of the occupiers of the building. Policy DP7 requires applications to maximise opportunities for renewable energy generation on site, as well as water recycling systems. It is therefore considered reasonable and necessary to attach conditions requiring full details of solar voltaic panels and rainwater harvesting to be agreed by the LPA provided.

### **Public open space**

Policy DP16 states that *“All new residential development will make a contribution towards the provision of new open space, including accessible natural greenspace, to meet the needs of the growing population.”* The Greenspace SPD sets out requirements for formal and informal greenspace. The formal requirements are expressed only in relation to dwellings and take the form of play areas. However, the application is for a care home, so no need for play areas arises as a result. Therefore, is not considered reasonable or necessary to require provision of play areas as part of this application.

With regard to informal open space, the policy itself does not specify the required amount but the supporting text states that the “National Playing Fields Association’s long-standing standard of 2.4ha of new space per additional 1,000 people will remain the benchmark level of new provision sought within Mendip”. This standard is also known as the six-acre standard. The National Playing Fields Association is now known as Fields in Trust.

Based on full occupation, the 49-bed care home would have 49 residents. This would generate a requirement for 0.1176 hectares (1,176sqm) ( $2.4/1,000 \times 49$ ) of open space.

The outside space excluding the parking areas of the proposed development would measure approximately 1,190sqm, which is roughly the same as the required area, so the policy requirement is considered to be met and therefore the application complies with policy DP16.

### **Refuse collection**

Suitable provision for bins is part of the requirements of DP7 (Design & Amenity). A bin store would be provided towards the front of the site and there is space for temporary bin storage on collection day to the front of the property. This is considered an acceptable arrangement and therefore compliant with DP7.

### **Environmental impact assessment**

The proposed development is not considered to be EIA development.

### **Accordance with local plan**

The proposed development does not accord with the specific requirements of policy DR1 (Land at Westfield Lane, Draycott), to provide dwellinghouse accommodation. However, the proposed development would provide another form of housing, namely care home accommodation. The proposed development is within the defined settlement limits of a primary village. In terms of principle, the proposed development is considered to accord with the general aims and spatial strategy of the plan, despite being in conflict with DR1.

The proposed development is also considered to accord with local plan policies on design, appearance and amenity (DP7), highways and parking (DP9 & DP10), heritage conservation (DP3), landscape (DP4), ecology including bats (DP5 & DP6), trees, sustainable development and refuse collection (DP7) and public open space (DP16).

The proposed development is therefore considered to accord with the development plan overall.

## Planning balance

### **Benefits**

#### *Increase in bed spaces and improved facilities.*

The proposed development would result in an increased number of bed spaces from 21 to 49, an increase of 28 bed spaces. Given that the strategic housing market assessment identifies a need for 42 car home bedspaces per year between 2014-2039, this is considered to represent a **significant benefit**.

#### *Design and appearance*

Based on the discussion above, despite the increase in size of the care home, it is considered that the proposed development would result in a **moderate benefit** in terms of design and appearance, due to improved design over the existing care home.

#### *Economic*

The proposed development would create jobs during construction and would likely result in additional employment post-construction due to the increase in bed spaces. However, no information has been provided to quantify this. This is therefore considered to represent a **limited benefit**.

#### *Sustainability and renewable energy*

The development represents the opportunity to improve the fabric efficiency and use of on-site renewables and water usage and drainage. Details of this are limited and no comparison taking into account embodied energy is provided. However, details of certain measures such as solar panels and rainwater harvesting will be controlled through condition and therefore an appropriate standard can be expected. Overall, this is considered a **moderate benefit**.

### Harms

#### **Construction period**

The proposed development will result in disturbance and nuisance from the construction process, including through construction traffic, and dust and noise. This can be mitigated to some extent through the construction management plan, but negative impacts will likely remain. However, this is the case for all significant building projects and would have a short-term impact. This is therefore considered a **limited harm**.

### **Additional traffic post-construction**

The care home will increase in size from 21 bed spaces to 49. This will clearly result in more residents on site and is therefore likely to generate more visitor trips. In addition, more staff and likely to be required on site for the higher number of residents. However, it is understood that despite the number of bedspaces being more than double the existing, this would not result in double the number of staff, because certain economies can be made (for example, a member of staff is required for each floor, regardless of the number of bedspaces). It is also considered that the increase in parking provision on site from the existing 9 or 10 unmarked parking spaces, with no allocated disabled spaces, to 25 spaces, (including 3 disabled bays and an electric vehicle charging space) would improve the parking situation compared to the status quo. Overall, this is considered to result in **limited harm**.

### **Conclusion on planning balance**

The proposed development would result **significant benefits** in terms of additional care home bed spaces and a care home built to contemporary standards. The harms are considered to be **limited**.

As discussed in the section on principle, this is considered to be an application that involves housing and the 'titled balance' is engaged. Therefore, permission should be granted, unless the harms significantly and demonstrably outweigh the benefits. As the benefits are considered to be significant and the harms limited, it is therefore recommended that the application is approved.

### **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Recommendation**



## Conditions

### 1. **Plans List (Compliance)**

This decision relates to the following drawings:

1940-P020-A

1940-P021-A

1940-P023-A

1092-01A

1940-P030-B

P1940-031-B

1940 A010 C

13976-CRH-XX-XX-DR-C-6050-P1

Reason: To define the terms and extent of the permission.

### 2. **Standard Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### 3. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and

approved in writing by the Local Planning Authority. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Development Policies 7, 8 and 23 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

#### 4. **External Lighting (Compliance)**

All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Ecological Lighting Assessment, Stenger Ltd, dated March 2024) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy DP5 and DP6 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

#### 5. **Construction Environmental Management Plan (Biodiversity) (Pre-commencement)**

No development shall take place on site including ground works or vegetation clearance until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works;
- b) Identification of "biodiversity protection zones";
- c) Details of working hours;
- d) Details of all plant and machinery to be used during site clearance and

construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM);

e) Details of temporary lighting used in construction of for security reasons;

f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;

g) The location and timing of sensitive works to avoid harm to biodiversity features;

h) The times during construction when specialist ecologists need to be present on site to oversee works;

i) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;

j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

k) Use of protective fences, exclusion barriers and warning signs;

l) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Development Policies 5 and 6 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version) and Chapter 15 of the National Planning Policy Framework.

## 6. **Construction Management Plan (Pre-commencement)**

No development shall take place, including any demolition works, until a construction

management plan or construction method statement has been submitted to and approved

in writing by the Local Planning Authority. The approved plan/statement shall be

adhered to

throughout the demolition/construction period. The plan/statement shall provide for:

- o 24-hour emergency contact number
- o Hours of operation
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- o Routes for construction traffic
- o Locations for loading/unloading and storage of plant, waste and construction materials
- o Method of preventing mud being carried onto the highway
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures
- o Arrangements for turning vehicles
- o Arrangements to receive abnormal loads or unusually large vehicles
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

## 7. **Parking (Compliance)**

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

Reason: In accordance with Development Polices DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

**8. Electric Vehicle Charging (Pre Occupation)**

The care home shall not be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: In accordance with Development Polices DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

**9. Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policy 4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR-version).

**10. Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a

schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR-version).

11. **Solar Photo Voltaic Panels (Pre Occupation)**

The care home shall not be occupied until it is served by operational Solar Photo Voltaic Panels in accordance with details which have been first been agreed in writing by the Local Planning Authority. Details must include specifications, siting and size.

Reason To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

12. **Water Efficiency - Rainwater Harvesting (Pre occupation)**

The care home shall not be occupied until it is served by a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason In the interests of water efficiency in accordance with Development Policies 7 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

13. **Bicycle Storage (Pre-occupation)**

The development shall not be occupied until bicycle storage for at least 4 bicycles

has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Travel Statement (Pre Occupation)**

Prior to any occupation a Measures-Only Travel Statement in line with the Somerset Council Travel Plan Guidance (2011) shall be implemented in accordance with details which have first been approved in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Visibility Splays (Compliance)**

At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 13976-CRH-XX-XX-DR-C-6050-P1) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

16. **Existing access closure (Compliance)**

The existing vehicular access to the site shall be closed to all traffic, its use permanently abandoned and any verge/footway crossing/boundary features reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed

within 3 months of the new vehicular access hereby permitted being first brought into use.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

**17. Access Construction and Retention (Compliance)**

The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1940-A010-C, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: To ensure that the development is served by an adequate means of access in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

**18. Landscape and Ecological Management Plan (Pre-Commencement)**

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including all hedgerows and development free buffers.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.



The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local District Plan 2014 (post-JR version) .

19. **External Lighting (Compliance)**

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Habitat Enhancement (Bespoke Trigger)**

No development shall commence, except for Demolition and Ground investigations, until details of a habitat enhancement area of equivalent to 0.108 hectares accessible to horseshoe bats (as set out in the approved Habitat Evaluation Procedure (HEP) Report, October 2023) have been submitted to and approved in writing by the Local Planning Authority. The approved habitat enhancement area shall be installed in accordance with the approved details prior to the occupation of the development and retained permanently thereafter.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected and priority species in accordance with policy DP5 of the Mendip Local Plan, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework

21. **Hedgerow removal (compliance)**

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy DP5 of the Mendip Local Plan Part 1 (adopted 2014, post-JR version).

22. **Supervision of Works - Protected Species (Pre-Commencement)**

Prior to any works, including groundworks, commencing on site, vegetative clearance will be carried out in strict accordance with the following procedure. any features potentially used by hedgehogs will be dismantled by hand by a competent ecologist between April and October and any individuals found translocated to an appropriate Location prior to works commencing on site. Translocation sites will be submitted and agreed by the Local Planning Authority prior to searches being made. A written confirmation of the completion of the operations will be submitted by the ecologist prior to works commencing on site.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Development Policies 5 and 6 of the Mendip Local Plan. This is a pre-commencement condition to ensure that a replacement bat roost is provided to house any bats from the commencement stage of development.

23. **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence, other than those required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
- (f) Service positions; and,
- (g) details of any special engineering requirements, including 'no dig construction';

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

24. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

- A Habitat 001 bat box or similar will be built into the structure at least four metres

above ground level and away from windows of the west or south facing elevation.

- Installation of two Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

- Two Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

- Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on a north elevation.

- One integrated bee brick must be built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.

- One log pile as a resting place for reptiles and or amphibians constructed on the northern boundary.

- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.

- All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 186(d) of the National Planning Policy Framework.

## **Informatives**

### **1. Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.