

25/15/0034

LANGLEY HOUSE TRUST

**ERECTION OF A TWO STOREY EXTENSION TO THE SOUTH ELEVATION AND A CONSERVATORY TO THE NORTH ELEVATION OF HOUSE OF ST MARTINS, LANGFORD LANE, NORTON FITZWARREN.**

Location: HOUSE OF ST MARTINS, LANGFORD LANE, NORTON  
FITZWARREN, TAUNTON, TA2 6NU

Grid Reference: 319824.126839 Full Planning Permission

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## **Update**

Members will recall this application from the 20<sup>th</sup> January, 2016, Planning Committee Meeting as Agenda item No. 6, where it was resolved to defer consideration of the application for the following reason:

“The application should be deferred pending clarification of the highway authority’s objection and, if necessary, an assessment of the likely traffic generation of the proposal compared to the existing; and the police be invited to make a comment on the application”.

### **Somerset County Council – Highways – further comments**

The further comments of Somerset County Council – Highways have been sought. The highway authority comments as follows:

“I am concerned about any impact on the junction however if it is possible to limit the use to a residential care home as described in your earlier email I would be happy to let this one go with a condition requiring details of car parking in accordance with standards to be submitted and approved. However if they wish to retain the possibility of further changes within the use class then I would like to see some assessment of the likely/possible impacts on the junction.”

The emailed comments referred to in the highway authority’s response read as follows:

“In my Report to Committee Members, I advised that Officers considered that there was no change of use involved, as the property already functioned as a residential care home (Use Class C2) and that as such the proposal did not involve any change of use.

The Town and Country Planning (Use Classes) Order 1987 (as amended) which is the Primary Use Class legislation, and which advises:

Class C2 Provides for:

“Provision of residential accommodation and care to people in need of care:

Hospital, Nursing home, Residential school, College, Training centre”.

Members noted the comments received from Somerset CC – Highways in that it had a specific concern regarding the sub-standard nature of the access from Langford Lane onto the A358, and traffic generation arising from the development. I should, therefore, be grateful to know if Somerset CC – Highways maintains its refusal recommendation regarding the operational development (extensions) proposed for the site and any issues in respect of traffic generation and the impact on the safety and free-flow of traffic onto and from the A358 junction with Langford Lane.

I have since contacted the applicant and have been advised that the Care Home generally caters for elderly ex-offenders and vulnerable people. It is not a Nursing Home, but does offer end of life care to those clients who require it. Overall, the development will provide 32 bedrooms, all for single occupancy.

As indicated in the Officer’s Report to Planning Committee, the number of employees will change as follows:

From: 10 Full-time, and 4 Part-time = 14

To: 12 Full-time, and 6 Part-time = 18

The Care Service provided is 24/7 and as such there is no staff sleeping accommodation due to the 24 hour nature of the Service.

The applicant advises that residents are not encouraged to have cars, and nor are they likely to have them. They are more likely to move around on mobility scooters, hence the relatively low-level of formal car parking provision.”

### **Avon and Somerset Police**

Comments from Avon and Somerset Police regarding the application have been sought. No comments had been received at the Report Drafting stage.

Officers have been advised that the Police Authority’s comments will be forwarded in time for the Planning Committee Meeting.

An update of these comments will be provided to Members at the Committee Meeting.

### **Third Party Representations**

Further representations have been received from two neighbours objecting to the application.

One objector points out that the bus stop is located on the Minehead side of the A358 road only, which is on the opposite side of its junction with Langford Lane. The objector points out that whilst the bus stop serves buses travelling in both directions, buses do not always stop when travelling in the direction from Minehead to Taunton as they have to cross and re-cross the carriageway in the face of oncoming traffic to

do so. The objector advises that having discussed the matter with Transporting Somerset, it is down to a drivers discretion on safety grounds as to whether or not they stop.

A second objector raises concerns that the photographs taken by the Planning Officer and shown to the Planning Committee do not represent the level of the traffic that flows past the site on the A358 at its junction with Langford Lane, as no vehicles were shown in the photographs of the site taken from the A358 and the road junction. The objector has provided photographs that reflect traffic flow outside peak periods.

## **Planning Officers comments**

For the avoidance of doubt, the proposal will provide 30 bedrooms – all for single occupancy, and not 32 as mentioned above.

Given the withdrawal of the highway authority's objection, Officers consider that the proposal is acceptable in terms of traffic generation and highway safety subject to a condition as advised by the highway authority restricting the extended premises to a Care Home within Use Class C2 as described above. This would enable the local planning authority to retain control over the future use of the site in order to assess the implications of future traffic generation and its likely impact on the junction of Langford Lane and the A358 in the interests of highway safety.

The comments received from the two objectors are noted. There is only the one bus stop/layby located on the opposite side of the A358 to the site and the road junction. The bus stop is a 'request' stop. It serves buses travelling in both directions. It will be up to the driver to use his/her discretion as to whether to cross the opposing traffic flow to pick up/set down passengers. The bus stopping will also depend on whether there are passengers to set down or pick up.

The traffic flows past the site vary from standing traffic on the Taunton side at peak periods mornings, evenings and during holiday periods, on the Taunton side, to light traffic during evenings and early mornings. There is a steady flow of traffic running along the A358 in both directions during the daytime. These conditions will have been factored into the responses received from Somerset CC – Highways, and the subsequent withdrawal of its objection to the proposal on highway safety grounds.

Officers consider that neither of these concerns represent sufficient reasons to refuse the application.

## **Conclusion**

The application is recommended for approval in accordance with the conditions previously outlined and with the addition of two further conditions. These are shown in this Report on the schedule of conditions as Condition 5 - Car parking layout condition; and, Condition 7 – Restriction of the extended premises to a use in Use Class C2 only.

## Recommendation

### Recommended decision: Conditional Approval

#### Recommended Condition(s) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 1444-01A Existing Plans  
(A1) DrNo 1444-02A Existing Elevations  
(A3) DrNo 1444-03A Location Plan  
(A1) DrNo 1444-07A Proposed Plans  
(A1) DrNo 1444-08A Proposed Elevations  
(A2) DrNo 1444-09 Site Plan

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

3. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing,

and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

Reason for precommencement: To safeguard the existing trees during the entire development process.

5. Prior to the commencement of the development, hereby approved, details of the car parking layout to serve the development shall be submitted to and approved in writing by the local planning authority. The car parking shall be installed and made operational in accordance with the approved details before the extension is first occupied and shall thereafter be permanently maintained and used for the purposes of vehicle parking only.

Reason: To ensure that sufficient parking provision commensurate with the development is provided and maintained in the interests of highway safety in accordance with the provisions of retained Policy M4 of the Taunton Deane Local Plan. These details are required before work on site commences to ensure that sufficient parking provision on site is made commensurate with the scale of the development for what will be a 30-bedroom care home.

6. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to the first occupation of the extensions, hereby permitted, and thereafter permanently retained for this purpose.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan

7. The use of the premises as extended by this permission shall be restricted to a Care Home in Use Class C2 only in the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, and for no other use in Use Class C2 without first obtaining planning permission from the local planning authority.

Reason: To enable the local planning authority to retain control over the future use of the site in order to assess the requirements of any future user/operator and to assess the implications of future traffic generation and impact on the junction of Langford Lane and the A358 in the interests of

highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

## Proposal

The full planning application proposes the erection of a 2-storey extension to the south side of the existing Care Home, and the erection of a conservatory to the north elevation. The extension will provide the following additional accommodation:

Ground floor: 7 bedrooms each with en-suite shower facilities;

First floor: 6 bedrooms, again, each with en-suite shower facilities, plus a daytime lounge.

In addition, internal alterations to existing bedrooms 7, 9, 10 and 11 are proposed to make these rooms larger.

Outside, a new walkway around the southern and eastern sides of the extension is proposed, which will be screened by a retaining wall. A bicycle store is also proposed to be erected on the east side of the new extension.

## Site Description

The site comprises a detached residential 2 ½ storey, Care Home of red brick construction, under a tiled roof, that has previously been extended via the addition of extensions on 2-stories to the side and rear on its north and east sides. It provides 18 bedrooms for residents with ground floor living rooms, offices, kitchen and quiet room. It stands in spacious grounds with formal gardens on the approach to the Care Home along the access from Langford Lane. A nursery/orchard and grassed areas on its northern side. The sites grounds are spacious with buildings and structures set away from the sites boundaries, particularly to the north and west. To the rear (west) of the site and separate from the Care Home lie a number of outbuildings, workshops and sheds used for storage of equipment and for training purposes. A stand of mature trees and mature roadside hedging mark the southern site boundary with the adjoining A358 Taunton – Minehead road. The surroundings are semi-rural with the site lying close to residential properties to the west and east,

and farmland to the north. The House of St Martin lies outside any settlement development limits, and in the open countryside.

## Relevant Planning History

25/03/0013 – Erection of first floor extension, dormer window and external alterations – approved 8/5/03.

25/06/0019 – Replacement of windows to main building – approved – 7/11/06.

25/06/0022 – Retention of 2 pre-fabricated units for educational purposes – Temporary approval 4/1/07 – The buildings and works hereby permitted shall be removed and the land restored to its former condition on or before 4th January, 2017.

25/08/0037- Construction of dormer window in main roof to form shower room and WC – approved – 17/2/09.

25/12/001 – Installation of metal, storage container – approved – 7/2/12.

25/15/0010/ENQ - Erection of two storey side extension and single storey conservatory to the north – advice given 11/5/15.

## Consultation Responses

*NORTON FITZWARREN PARISH COUNCIL* - No comments received at the Report Drafting stage.

*SCC - RIGHTS OF WAY* - No comments received at the Report Drafting stage.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The change of use from a Hostel to a Residential Care Home could potentially alter the amount of traffic generated by the site and is therefore likely to have an impact on the substandard junction between Langford Lane and the A358. Whilst there has been no assessment of this change submitted it is the opinion of the Highway Authority that in order to properly consider the likely impact of the proposal on the junction such an assessment will need to be carried out.

Therefore until such an assessment has been carried out I would recommend that this application be refused on highway grounds for the following reason(s):-

*The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since inadequate information has been submitted to satisfy the Local Planning Authority that the developments impact on the nearby substandard junction between Langford Lane and the A358 will not lead to a detrimental impact on highway safety.*

## Representations Received

10 Letters of Representation have been received from occupants of nearby

residential properties. All raise objection to the proposed development. Concerns raised are summarised as:

- Objection to principle of use of Care Home for the care and rehabilitation of offenders.
- There is a lack of clarity as to who the occupants of the Care Home would be
- Potential overlooking of adjoining dwelling
- Loss of 2 No. Silver Birch trees
- Highway safety implications have not been addressed – access out onto the A358 from Langford Lane is substandard
- Increased traffic and pedestrian movements to and from the site with consequent concerns for their safety
- Disproportionate amount of accommodation for care of offenders given the close proximity of the site to similar facility at Trenchard House
- Proposal would result in increased anti-social behaviour

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

In the Adopted Core Strategy (2011)  
CP1 – Climate Change  
DM1 – General Requirements  
DM 2 – Development in the Countryside  
DM4 - Design

The National Planning Policy Framework (2012) is a material consideration. This outlines Central Government guidance on planning. In the NPPF, advice contained in Sections:

3. Supporting a prosperous economy; and,
7. Requiring good design, is of relevance.

## **Local finance considerations**

None applicable to this development.



## **Determining issues and considerations**

The following issues are considered to be of relevance in the determination of this application:

- Principle of development
- Design and visual impact
- Impact on amenities of adjoining residential occupiers
- Highway safety, traffic generation, turning and parking
- Any other material planning considerations

### **Principle of development**

From the Council's records relating to the previous planning history on this site and the documents submitted with the application and at the pre-application advice stage, this residential hostel has been in existence for some time and the proposed extensions will also allow a further extension to the existing use at the site. The application form advises that the proposal involves the change of use of the premises to a Care Home. The Council considers this use to be within the same Use Class – Class C2 (Residential Institutions) - and the requirement for any formal Change of Use does not arise as Use Class C2 covers "Hospitals, nursing homes, residential education and training centres". Therefore, planning permission for the use of the Care Home for the care and rehabilitation of offenders is not required as it already exists as outlined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Although located outside of the development limits of Norton Fitzwarren the extension to an existing property with an established use is acceptable in principle provided the proposals accord with adopted Core Policies (SD1) and Development Management Policies (DM1, DM 2 and DM4). The comments received from neighbours regarding the use of the premises have been taken into consideration in this regard.

### **Design and visual impact**

The design, scale, height and bulk of the two storey side extension to the south western elevation to include an additional 13 bedrooms, bathrooms, store and wet room and first floor daytime lounge, reflects that of the existing Care Home. The ground floor (bedroom 1) has a bay window which is proposed to be the same dimension of the bay window of the adjoining existing Office 1 and Reception window, which are an important features at the front elevation. It is noted that new windows and opening where possible, match that of the existing windows. The extensions mainly have an impact on views of the site from the south-west – this is from the direction of the A358 Taunton – Minehead road. Given the mature hedge screening and mature trees within the site which provide a soft appearance when viewed from the public realm.

In respect of the design, the eaves height at 2-storey level ties in with that of the existing Care Home, whilst all roofs are hipped and pitched with no sections of flat roof, and are to tie in with the existing roof structure on the south and west sides of

the building. Proposed materials are facing brick for the walls, red cedar cladding to the walls of the two south side bathroom projections; and, slate to the roofs. Samples of the brick and slate should be conditioned to ensure a good match with the materials of the existing structure. Fenestration details are acceptable.

Whilst the application proposes a large addition to the existing Care Home, its size, scale, siting and design details are considered to be acceptable, and given the space around the structures on site, and attendant boundary screening and on-site tree cover, the design and visual impact of the proposed development is compatible with the site and surroundings and accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Impact on amenities of adjoining residential occupiers**

The rear of the existing building is sited well away from any adjoining neighbours. The siting, height and scale of the extensions, which are to be on the south-west and west (rear) sides, will not result in any adjoining residential properties being overlooked giving rise to a loss of privacy, nor would they be close enough to block light to or adversely affect the outlook from any neighbouring dwellings and, therefore, there would not be any significant impacts on residential amenity or on the character and appearance of the existing area.

The erection of a single storey conservatory to the northern side elevation of the main house to be accessed from the existing dining room is acceptable in terms of size and location and will not have any overbearing impacts in terms of existing residential amenity in the area or on the character and appearance of the area.

The proposal in respect of impact on residential amenity accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Highway safety, traffic generation, turning and parking**

The comments received from Somerset County Council – Highways are noted. The Local Highway Authority objects to the proposed development on the grounds that a change of use is involved and that the change from a Hostel to a Care Home could potentially alter the amount of traffic generated by the site and is, therefore, likely to have an impact on the sub-standard junction between Langford Lane and the A358. It recommends refusal of the application on highway safety grounds.

This Council has determined that the existing lawful use of the site as a Hostel falls within the same Use Class as a Care Home, and as such any change between the two uses constitutes permitted development as outlined in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and a material change of use will not occur.

Somerset County Council – Highways has been advised of this consideration and

asked to review its comments any further comments received will be reported.

Officers consider that the proposed increase in the number of bedrooms proposed by these extensions from 14 to 27 is acceptable and should not result in increased traffic movements to and from the site to an unacceptable degree. The occupants of the Care Home are unlikely to drive and will be resident on the premises. The application forms indicate that there will be an increase in the number of employees working on site as follows:

From: 10 full-time, and 4 part-time. Total = 14

To: 12 full-time, and 6 part-time. Total = 18

The proposed number of car parking spaces will increase from 5 to 8, and the cycle parking provision will be formalised via the installation of the proposed cycle parking facility at the rear of the building providing a cycle shelter with space for 4 cycles.

It is noted that the premises are just off the bus-route between Taunton, Williton and Minehead which runs along the A358/A39. A bus stop is located on the A358 to the west of the site resulting in a very short walk to the site.

Whilst it is acknowledged that the road junction of Langford Lane with the A358 is sub-standard, the way in which the Care Home operates, with residents unlikely to drive or own vehicles, the relatively small increase in employee numbers, the provision of additional car parking and cycle parking on site; and, the proximity of the site to public transport facilities (Bus stop), it is considered unlikely that the proposal will generate an excessive amount of additional traffic that would result in an unacceptable level of danger to road users and pedestrians arising from traffic movements to and from the site, and at the Landford Lane/A358 road junction.

### **Any other material planning considerations**

The proposed removal of the 2 No. Silver Birch trees is acceptable. The trees are semi-mature specimens, but not of good quality and are not the subject of any Tree Preservation Order. Officers consider that the existing boundary screening on the south, east and west sides of the site and retention of other mature and semi-mature trees within the site will provide sufficient in the way of soft landscaping to help assimilate the development into its surroundings.

### **Conclusion**

With regard to the above considerations it is considered that the proposals are acceptable. It is, therefore, recommended that planning permission is granted.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Hamish Laird**

