

38/12/0365

MR & MRS P & W STEVENS

CHANGE OF USE FROM PRIVATE DWELLING (C3) TO 6 BEDROOM RESIDENTIAL CARE HOME (C2) FOR ADULTS WITH LEARNING DISABILITIES, DEMOLITION OF REAR EXTENSIONS, ERECTION OF REPLACEMENT REAR EXTENSION AND THE RAISING OF ROOF PITCH FOR THE CREATION OF ROOMS IN ROOF WITH ALTERATIONS TO DRIVEWAY AND PARKING AT 75 BRIDGWATER ROAD, TAUNTON (RESUBMISSION OF 38/12/0267)

Grid Reference: 324806.125247

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed care home is considered to be in an appropriate location, where sustainable transport methods are available and would not result in detriment to highway safety. The resulting building has been designed to reflect the style and design of the existing and nearby properties along Bridgwater Road and would not result in harm to the character of the street scene. Although the proposal would change the nature of the site, it is not deemed to result in material detriment to the residential amenities of the occupiers of nearby properties or to wildlife. As such, the proposal is in accordance with Taunton Deane Core Strategy Policy DM1 (General Requirements) and SP1 (Sustainable Development Locations).

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 3415/01 Existing Plans and Elevations
(A1) DrNo 3415/02 Rev A Propsoed Plans and Elevations
(A1) DrNo 3415/03 Rev A Proposed Location and Roof Plans
(A2) DrNo 3415/04 Rev A Proposed Block Plan

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

3. Before the development hereby approved is occupied, the area allocated for the storage of cycles, as shown on the submitted site plan shall be made available for this purpose, in accordance with details that shall have been submitted and approved by the Local Planning Authority, and shall thereafter remain available and not be used for any purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

Reason: To ensure that adequate cycle and bin storage is provided, in order to promote sustainable travel and prevent harm to the street scene or neighbouring amenities, in accordance with Taunton Deane Local Plan retained Policy M4 and Policy DM2 of the Taunton Deane Core Strategy.

4. The area allocated for parking and turning on the submitted plan drawing number 3415/04 Rev A, shall be made available prior to the development hereby permitted being brought into use and shall be kept clear of obstruction and not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. All recommendations made in Harcombe Environmental Services protected species report, dated September 2012, shall be undertaken by the applicant. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and accommodate protected species and their habitats from damage, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

Notes for compliance

1. Notes at request of Nature Conservation Officer:
 1. Badgers are protected by UK law under the protection of Badgers Act 1992.
 2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

PROPOSAL

75 Bridgwater Road is a render and tile bungalow set on the end of a row of dwellings of varying size and design, two storey and bungalows, with a strong

emphasis of hipped roofs. To the north is a childrens nursery, with the car park to the Premier Inn to the east of it and the car park to the Hydrographic office to the west. Opposite and to the rear of the site are further residential properties. The property is set back from the road with an area of hardstanding to the front and a footway runs to the front of this separated from the road by a grassed area, in which trees are planted.

An application for planning permission for the change of use from private dwelling to a 6 bedroom residential care home for adults with learning disabilities was submitted earlier this year. This also sought planning permission for a rear extension in place of the existing rear extensions and the raising of the roof pitch to enable rooms within the roof. This application was withdrawn prior to a decision.

This application now seeks permission for the change of use from private dwelling to a 6 bedroom residential care home for adults with learning disabilities, a replacement rear extension and the raising of the roof pitch to enable rooms within the roof. This would provide four en-suite bedrooms, sitting room, dining room, kitchen and WC on the ground floor, with two en-suite bedrooms, office and staff bedroom at first floor level. The design now incorporates a hipped roof with a traditional style dormer window to the front, rooflights and sun pipes to the northern side and a gabled roof to the rear. It is proposed to create three car parking spaces to the front of the property, utilise the existing car port for parking and use the garage as a cycle store.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CLLR SLATTERY – I have the following objections from local residents expressing concerns about the application, which I would wish to be addressed:

- Application for C2 use is in the wrong location.
- Proposed extension size, 4.5m is overdevelopment of the site.
- Proximity of application and suitability to long established nursery next door.
- Conflicting traffic use and safety concerns.

SCC - TRANSPORT DEVELOPMENT GROUP - The site is located along Bridgwater Road a Classified Unnumbered highway to which a 30mph speed limit applies past the site. Following my site visit I observed that Bridgwater Road is a well utilised route.

The proposal seeks a change of use from a dwelling (C3) to a residential care home (C2) with alterations to the property, driveway and parking. Having made a site visit and studied the information supporting the planning application I have the following observations on the scheme.

According to TRICS database a residential dwelling currently generates approximately 6-8 vehicle movements per day. It is likely that the proposed development will see a slight increase in the amount of vehicle movements associated with the development and trip patterns are likely to be different. However, given the scale of the development this is considered acceptable.

In detail submitted drawing No. 3415/04 shows no alterations to the existing site

access which will be retained. Given the level of vehicles using the site it is not considered necessary to implement any alterations to the existing access. It was observed whilst on site that the access, which is set back from the carriageway edge, is shared with the neighbouring property No. 73. The access for No. 75 is estimated at approximately 2.5m to 3.0m in width.

In terms of visibility, the site is located within a 30mph speed limit, therefore Manual for Streets x and y co-ordinates of 2.4m x 43m can be applied. However, the Highway Authority feel that the sites existing access which will be retained provides suitable visibility in either direction.

In my initial comments the Highway Authority raised concerns over the parking on site, as it was considered an over provision. The Somerset County Council – Parking Strategy (Adopted March 2012) states that for care homes parking provision should be based on 1 space per 8 bedrooms as the site is located in Taunton, which is classed as a Zone A region. Additionally as the development is a new premise of employment, 5% of the overall parking should be made available for employees and visitors.

The recently submitted drawing (No. 3415/04) received in my department on the 13th August 2012 provides an appropriate level of vehicle parking for the proposed development. The site will provide vehicle parking for a maximum of five vehicles, including vehicle turning. I am satisfied that the level of vehicle parking is in line with the Somerset County Council – Parking Strategy. Additionally, the site will now provide suitable cycle storage facilities to accommodate sustainable modes of transport. No objection, suggest condition.

Subsequent comments -

The proposal seeks a change of use from a dwelling (C3) to a residential care home (C2) with alterations to the property, driveway and parking. In light of your email dated 5th October 2012 relating to a concern raised by a local resident, the Highway Authority has the following response to the query.

The Highway Authority is aware of the congestion that occurs in the vicinity to the site at peak times. However, it is considered that the development will not have a material impact. This is due to this small scale nature of the proposed development and the fact that, the overall amount of vehicle movements associated with the site will not be dissimilar to that of the existing residential dwelling.

SCC - COMMUNITY CONTRACTS - National good practice, government policy and Somerset County Councils Learning Disability Commissioning Strategy is to promote independence, ensure choice and deliver wherever possible, housing options that meet need. We do not have a need in this location or across Somerset for more residential care for people with a learning disability. We would not be placing in the home, therefore the company would be seeking business and people with a learning disability would be placed in Somerset from other counties. This increases the work for already stretched health services. We are therefore not supportive of this application.

CARE QUALITY COMMISSION - No comments received

ECONOMIC DEVELOPMENT - Happy to support the application – there is huge potential for business growth in this sector in Taunton Deane, increasingly driven by outsourcing trends.

NATURE CONSERVATION – The application is the change of use from a private dwelling at 75 Bridgwater Road to a Care home. To the rear of the building is a domestic garden with a timber shed which has recently been cleared of tall grasses and rank weeds. Harcombe Environmental Services carried out a protected Species Survey in September 2012. Findings were as follows:

Badgers - A faint mammal (probably badger) path was evident in the garden. The surveyor also noted footprints, and shallow scrapes leading to the underside of a shed. On closer inspection he noted that a lie up had been constructed under the shed. The sticks I placed in front of the scrapes had not been disturbed, weeds had grown in front of one of the gaps and cobwebs were found in spaces beneath the shed. This suggests that the lie up was currently not being used. The sheds removal will not result in disturbance. It should however be checked prior to removal. I agree with the surveyor that badgers occasionally use the transit route across the garden to reach the feeding site in the adjacent garden. The construction site will not restrict this route and so there will be no disturbance to badgers. No setts were found on or within 20 m of the site.

Bats and Birds - The surveyor found no evidence of roosting bats or nesting birds in the shed. I agree with the findings of the survey and support the surveyor's recommendations. Suggest condition.

Representations

At the time of writing, 27 letters of OBJECTION (from 25 households) have been received from local residents on the grounds of:

- Why is Bridgwater Road so popular for adults with learning disabilities? Already 10 care homes across Roman Road, Bridgwater Road, Illminster Road, Moorland Close and Hamilton Road. Change of use would create 11th such business in the neighbourhood, area being turned into a district of care homes, most within walking distance, some guarded 24/7. Development not warranted, surely there are sufficient care homes in this residential area already, no consideration is given to residents and disruption it would cause. Whilst it's good to have young adults integrating into the community, too many in one area. Other residential areas do not have such a concentration. Another care home would lead to intensification and create an undesirable precedent, unsuitable in family orientated area. More may trigger a general downgrading for the remaining community. Reached saturation point, don't want to change nature of the street, or have a care home every other house. Concentration of care homes needs consideration or Halcon Parish could become an area full of care homes. Area already has considerable provision for people with additional needs. Residents shouldn't have to live with so many care homes around them. Query whether care homes are built next to people who own or run them. Why can't they be built on new housing developments already destroying the countryside.

- Suitability of location next to a nursery. Bridgwater Road is an attractive road, with unusual houses with period features. Bungalow at no.75 is a character property, shame to change it. Development would create a business, out of keeping with current private residential area. Six residents and three staff represents far more than a small 'family unit' care home. The Economic Development Section regard it as commercial business development. Site next to White Lodge Hotel and Hydrographic office but represents commercial encroachment into residential area.
- Concerns over appearance of extension, extension too large, doubts about placing such a massive physical development on foundations having to be totally underpinned due to subsidence. Would transform from a small three bed bungalow to overbearing, purpose built modern seven bedroom commercial building. Loss of 50% of garden, significant change to building to garden ratio. A major expansion of the premises beyond its original purpose and place in community, out of character and scale with current property and atypical of most Bridgwater Road premises. Development is too large for three bed bungalow, takes away spaciousness that we bought our homes for. Supporting papers to application indicate that by permitting application, property will improve and look more acceptable – not considered justification for allowing business in a residential area. People bought houses as it was a residential area. Surely other open spaces could be used for commercial use.
- Concerns at how much work has already been undertaken to underpin and develop garden prior to consent.
- Proposed parking areas would destroy an attractive front garden and arrangement for 5 spaces would identify premises as a commercial venture rather than a private residence.
- Very busy road as main commuter route, also part of "safer route to schools". Site on constricted bend. Difficult enough at present to get in and out of driveways due to busy road, especially at rush hour, increased traffic would be unbearable. Would be significantly increased volume of traffic from when it was a 3 bedroom bungalow due to staff, visitors and deliveries, making it more congested and inhibit access to emergency services. Detrimental to highway safety on Class A Road and safety of schoolchildren. Suggestion that further survey should be undertaken at commuter times to establish how dangerous road can be. Despite assurance of staff walking to work, once permission granted, can do what they wish. Concerns regarding operational parking issues and pressure on on-street parking. Comment that property is within easy distance of park and ride is misleading as it is nearly at Henlade and buses only stop on the park and ride site or in the town centre. Property is not closely related to town centre, it is 1.5 – 2 miles away. Highlights problems of 2 Bridgwater Road including congestions on site resulting in on-street parking and deliveries off loaded on main road, constituting an unacceptable risk to road safety. No.75 is near to a far busier junction and would present a high risk to motorists and pedestrians.
- Back gardens are peaceful, especially during summer. Excessive noise may be heard from garden of no.75, could be violation of Human Rights – right to respect for private and family life.
- Concerns that one adult responsible for 6 adults at night. Staff increase in day with further 2 – 3. Very few families with 10 adults living under same roof. Repetitive reassurances that minimum staffing and supervision standards should be met, but these are legal and regulatory requirements that have to be met anyway. Whilst adults with learning difficulties can be quiet and happy go lucky, they can also be noisy, disruptive and very occasionally dangerous. Query

whether staffing levels proposed are adequate as adults with learning difficulties need 1 to 1 attention. It is stated that residents have mild learning difficulties but who is to say that is what it will always be. Concerns that a class C2 care home could take in first offenders.

- Reference to small family homes of 2 to 3 residents being a true family environment rather than assertions contained in this application for a unit of 6 residents, with employed staff in a managed commercial enterprise.
- Siting in close proximity to pre-school/nursery playground and for children walking/cycling to and from school is a concern. Voices from gardens (and possible bad language) could be audible from nursery playground, where there are impressionable and vulnerable children of infant age. Anti-social behaviour (physical or verbal) is totally unacceptable in such close proximity to a nursery. Some windows will overlook nursery and playground. Applicant states that no people posing a risk would be placed there but difficult to control this once planning permission granted. People with autism, etc are attracted to young children and cannot be supervised 24 hours a day. Comments also apply to young children at neighbouring residential properties.
- Increase in noise levels and disturbance 24 hours a day as visitors, staff, deliveries, etc come and go which could be at unsociable hours, bells ringing as residents need attention. Also privacy issues. Local residents have to put up with extreme noise levels (shouting, screaming and swearing), excess traffic, quite vocal distressing sounds and foul vocabulary from existing care homes. As a result, cannot sit outside or have windows open when it is hot. Large extension would cause potential overshadowing and dominating impact, affecting level of daylight to adjacent properties. Loss of privacy arising from the perception of being continually overlooked from development affects privacy and residential amenity in and around home. Comings and goings at night could cause distress and disruption to adjacent residential property.
- As Halcon Parish is one of poorest areas, concerns that people can just move in and build business as they please with no consideration for local residents or their welfare. Query council tax discount for care homes and the impact of the shortfall.
- Proposal represents 'garden grabbing', loss of front garden to parking and extension will take up lot of back garden.
- The existing dwelling has stood proud for many years as a private dwelling and given home to many retired people. Another bungalow would be lost.
- Care home would devalue houses in immediate vicinity, up to 20% of today's sale price individuals cannot afford this. Future difficulties in selling houses.
- Reference made to Cllr Slattery's objection to 6 Bridgwater Road "As Ward Councillor, I am aware of complaints about similar establishments in the locality, regarding the behaviour of the occupants and the noise arising from activities."
- Badgers visit neighbouring garden every night, visits now less frequent due to excavations and demolition of shed. Now shed has been removed, they no longer have a resting place within easy reach. They are a protected species and should not be disturbed. Concerns that shed was removed within 3 weeks of protected species survey.
- A desirable community would have a balance of interests and a perception by existing residents of fair treatment, a further care home strikes at both of these fundamentals. Leader of Somerset County Council gave a commitment in Autumn 2012 to offer more opportunities for Somerset residents to influence important decisions. Large number of representations (approx 20 households, possible equating to 40 individuals), many with personal and professional experience, should provide clear basis for rejection of application.

1 letter received from a local resident stating NO OBJECTION on the grounds of:

- Where do objectors want these unfortunate people to go, other people doorsteps who will fear devaluing of their property? Several houses in area cater for them, never heard a bad word about them, often see them going out for walks with escorts. Nice to know that we are not too busy to care. Alternative neighbours could be undesirables, etc.

2 letters of SUPPORT received on the grounds of:

- Proposed development would not look considerably different to neighbouring properties in road. Several businesses are run from Bridgwater Road adding to character of road. Extensions designed to create minimum impact for neighbours. Garden area designed to be attractive and oasis of calm, vast improvement on untidy garden.
- Ample off road parking and cycle-storage for staff. Comings and goings would be no different to school run or commuter traffic that all residential areas experience.
- Increasing need for residential care homes in all areas and 'not in my back yard' mentality is not helpful for people in need of care. Better to integrate care homes within communities so that residents may have as normal life as possible.
- Mrs Stevens has considerable experience in working with care providers and has provided guidance and support to many individuals, helping them achieve care qualifications so would be well-placed to provide training for local people to pursue a career in care. She is fully aware of regulations and professional standards of Care Quality Commission. Confident that standards will be achieved and exceeded. Applicants are honest and trustworthy and have held many voluntary posts with commitment.
- This is an opportunity for applicants to provide supportive and caring living arrangements for individuals with learning disabilities giving opportunities for improved quality of life and provide much needed local employment.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development; the design and impact on the street scene; the impact on highway safety; and the impact on the amenities and living conditions of neighbouring residents.

Principle

The site is located within Taunton, within easy reach of public transport, along with other services and facilities and cycle storage is provided to encourage sustainable modes of travel. It is, therefore, a location in which planning policy generally supports the provision of new care homes, subject to meeting other planning criteria.

Several concerns have been raised regarding the intensification of care homes in the area. It is acknowledged that there is evidence of other care homes in close proximity to the site, although it is important to note that there is no specific policy within the Taunton Deane Core Strategy pertaining to care homes and their concentration, or their location. It is therefore a matter for the local planning authority to assess whether a care home in this location is acceptable in planning terms. The applicants are not required to demonstrate any need for the development in order to gain planning permission

Design and impact on the street scene

The street scene along Bridgwater Road is characterised by a mix of size and style of properties, although with a strong emphasis of hipped roofs along this stretch. The existing property is of hipped roof design and the resulting property, although with an increased ridge level, would remain hipped in design, which would reflect that of the neighbouring property. The proposed dormer would be of traditional pitched roof design and would sit well within the roof. As such, it would not appear dominating to the character of the building.

Although, by virtue of the increased ridge level, the property would appear larger than at present, there are a mix of two storey and single storey properties along Bridgwater Road. In addition, although the rear extension is large, the 4.5 metre extension would partially replace existing flat roof extensions to the property and would not therefore result in a significant loss of garden. It is acknowledged that the proposal would significantly increase the size of the property, however it is not considered to appear out of character with adjacent properties or dominating to the street scene.

Concerns have been raised regarding the proposed car parking area to the front. This is similar to the existing situation at other properties along Bridgwater Road, hence there is evidence of this in close proximity. Furthermore, as the property is set back from the road, with trees planted in the grass verge, it would not appear unduly prominent in the street scene.

Impact on Highway Safety

Concerns have been raised regarding the level of car parking. The County Highways Authority have been consulted on this application and are of the opinion that the level of car parking is adequate for the proposal. The layout of the site and space within it would enable vehicles to turn within the site and therefore not require vehicles to reverse out on to the busy road. A condition is therefore attached to ensure that this parking area remains available for this purpose.

It is acknowledged that there is likely to be a slight increase in vehicle movements and that the trip patterns of these movements would be different. However, due to the scale of the development, this is considered acceptable and by virtue of it's location, it is envisaged that some staff will travel to the site by methods other than the private car.

The County Highways Authority are satisfied that the visibility splays of the existing access are capable of accommodating the level of traffic generated by the proposed

use without any alterations. Accordingly, the impact on the local highway network is considered to be acceptable.

Impact upon neighbouring amenities

The proposed extension would be a continuation of the existing property to the rear. The extension would partially replace former extensions, some of which are flat roofed. Whilst the extension would be considerably higher and longer than that it would replace, it is separated from the boundary with no.73 by the garage and car port, with the roof, albeit higher, hipped away. As such, although the proposal would change the outlook from no.73, the extension is not considered to result in an overbearing impact or loss of light to the adjacent property. There are no windows proposed in the side elevation above ground floor level and therefore no concerns regarding overlooking.

Over the boundary to the north is the car parking area to the adjacent Premier Inn and Hydrographic Office, along with a childrens nursery. The dormer windows on the previous scheme have been removed and replaced with rooflights. These rooflights would be set some distance away from the nursery and playground and reasonably high within the roof, whilst trees along the side boundary would also provide partial screening. Taking these points into consideration, the rooflights are not considered to result in material overlooking to the detriment of the neighbouring land use. It is also important to note that the nursery has raised no objection to the proposal.

In terms of comings and goings of vehicles, it is important to note that the car parking being to the front, will minimise the impact upon the neighbouring properties as there will be no option for vehicles to access the rear, which would result in vehicles passing in close proximity to the neighbouring properties. Whilst the car port abuts the boundary with no.73, this is as per the existing situation and would only enable one car to park in such close proximity. The garage is shown to be made available for cycle storage rather than car parking.

In the case of noise and disturbance, it is generally customary to regard these issues as a matter for the managers of the care home. It follows that, generally, a well managed facility should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents. The way in which this type of care home is managed would be a matter for The Care Quality Commission, the regulating body. It would therefore appear that The Care Quality Commission, rather than the Local Planning Authority, are the correct body to regulate and control the premises. Accordingly, it is considered that these matters cannot be given sufficient weight to justify the refusal of planning permission.

Other matters

Concerns have been raised regarding the level of works that have already been undertaken prior to planning permission being granted. A pertinent point is that some alterations, such as alterations to foundations can be undertaken without the need for planning permission, but are governed by Building Regulations instead. In addition, certain alterations to the garden can be undertaken without planning permission. However, if an applicant chooses to carry out any works that do require planning permission, this is entirely at their own risk and could result in them having to return the site/property to it's former condition.

It is also queried whether the foundations and recent underpinning works would be capable of accommodating such a large building. This would be a matter dealt with under Building Regulations if the extension is constructed in the future and is not a planning matter.

Objections have also been made on the basis of the devaluation of neighbouring properties and the disturbance to residents during construction. These matters are not matters that can be considered as part of the planning process and as such, very limited weight can be attributed to them.

The issue was also raised as to whether there were badgers present on site. This application was accompanied by a Protected Species Survey, which highlighted that whilst there was evidence that badgers occasionally use a transit route across the garden to reach the feeding site in the adjacent garden, the shed removal will not result in disturbance and the construction site will not restrict this route. As such, the proposal would not result in harm to any protected species.

Conclusion

The resulting property is considered to be of a suitable design that would not result in detriment to the appearance of the surrounding area and would not impact unreasonably upon the highway network.

The use of the property as a care home is not considered to result in material harm to neighbouring properties that would outweigh the need for such accommodation for adults with multiple disabilities and it is important to note that the points raised regarding noise and disturbance would be attributable to the management of the premises, and as such would be a matter for the regulatory body.

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

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