

31/2004/029

BROADFIELD MANAGEMENT LTD

**ERECTION OF 3 BLOCKS OF CLOSE CARE RETIREMENT FLATS PROVIDING 18 X 3 BEDROOM UNITS, 12 X 2 BEDROOM UNITS AND 12 X 1 BEDROOM UNITS, CHANGE OF USE OF DWELLING TO CLOSE CARE RETIREMENT FACILITIES INCLUDING 2 FLATS FOR STAFF ACCOMMODATION, BLOCKING UP OF EXISTING ACCESS ONTO A358 AND REPLACEMENT/PROVISION OF NEW ACCESS OFF RUISHTON LANE AT WOODLANDS, RUISHTON.**

26050/24795

FULL PERMISSION

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## **PROPOSAL**

The proposal is to create a close care community of 42 units within and around the existing listed building. 40 apartments is claimed to be the threshold to sustain communal care facilities. A design statement has been submitted to support the proposal in terms of its massing, scale, local distinctiveness, landscaping and access changes. A visual and landscape appraisal has also been carried out. This concludes that the proposed development could be achieved primarily within the former kitchen garden without detriment to the setting of the listed building or significant visual or landscape implications. It would allow a more discrete and private means of approach to the site as well as an opportunity for management of the existing parkland landscape. A transport statement has also been provided looking at access and traffic movements on the basis of units being available for buyers aged 55 years and over for the elderly as a retirement home as well as a nursing home. The report concludes that the site is accessible to pedestrians, cyclists and public transport users. A new pedestrian footway is proposed as part of the development to connect the development to existing routes. The closure of the existing A358 access is likely to result in a safety benefit. The level of traffic at morning and evening peak hours would have no material effect on the capacity or safety of Ruishton Lane or the A358 and during weekday morning and evening peak periods there would be less traffic associated with the development compared to the alternative use of the site for offices under the existing planning permission.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY observations awaited. HIGHWAYS AGENCY no comment to make. ENVIRONMENT AGENCY no comment to make. WESSEX WATER Foul Drainage:- there is no spare capacity in the Ruishton system. The nearest point of adequacy for connection is the 450 mm sewer that runs parallel to M5. Surface water:- there are no sewers in the area and surface water is to discharge to land drainage system with the consent of the Environment Agency. The applicant is advised to contact Developer Services to see drainage systems may be adopted under a section 104 agreement. The Sewage Treatment Works and pumping station has sufficient capacity

to accept extra flows from the development. Supply:- there is sufficient capacity in the distribution system to service the proposal. ENGLISH NATURE there are records of brown long-eared bats roosting in the near vicinity, therefore protected species such as bats and badgers may be affected by these proposal. Bats and their roosts are fully protected under British and European wildlife law. Badgers and their setts are protected under the Badgers Act 1992. English Nature would advise that a wildlife survey should be undertaken by an appropriate qualified surveyor. We would wish to see the results of the survey before we can make further comment.

LANDSCAPE OFFICER my main concern is that the proposals would have a detrimental impact on the setting of the listed building as seen from the within the site and local vantage points. The landscape assessment of the site, as submitted, generally covers most of the issues but I have the following concerns: would it be possible to retain the existing Ruishton Lane hedgerow. It appears that the hedgerow would need to be removed to meet highway visibility splay requirements. The A358 Beech hedgerow, although substantial, will need careful management to maintain it longer term as the beech are planted very close together and will need thinning or reducing in height if they are to be retained. The new blocks will require the felling of some existing trees and appear very close to other mature trees. It appears that the proposals would not meet the requirements of BS5837 or the Council's guidance of dwelling to tree distances. The landscape assessment does not address adequately the views from the adjoining public footpath where views would be clear and detrimental to the setting of the listed building and semi rural character of the area. Overall the landscape mitigation proposals will help to soften the impact of the development proposals but will, in my opinion, detrimentally affect the landscape setting of the listed building and that of the semi-rural character of the area. CONSERVATION OFFICER this is new development contrary to policy. The new access would have a detrimental impact on the rural character of Ruishton Lane. The proposed new build would also have a detrimental impact on the setting of Woodlands by virtue of the scale, massing, bulk design and extent of new build. WILDLIFE SPECIES CO-ORDINATOR the age and nature of the existing building and parkland trees mean that it is highly likely that bats roost in the house and adjacent stable. There is evidence of swallows nesting in the stable and I advise that a comprehensive wildlife survey and report of the total site is undertaken to help determine this application. PLANNING POLICY there is a fundamental policy objection to the proposal, as it involves substantial new development outside defined settlement limits without comprising any of the exceptions identified in the relevant policy - S8 (Revised Deposit numbering) of the Taunton Deane Local Plan (TDLP). Should it be decided to approve the application, affordable housing should be sought in accordance with policy H12 (Revised Deposit numbering) of the TDLP. DRAINAGE OFFICER surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 and made conditional of any approval. HOUSING OFFICER as this scheme is way above the Rural Threshold and where a housing need exists we would be looking for the provision of affordable/social housing.

PARISH COUNCIL the Parish Council consider the statement that it will benefit local shops to be untrue. Pedestrian access to bus stops is via the busiest road in Somerset is unattractive and will not encourage bus use. The development would be car dependent with only 34 spaces for 42 apartments plus staff, seems inadequate and more spaces would detrimentally effect parkland setting. The existing permission for

Woodlands House to office use cannot be compared to the current proposal, the nature and scale being completely different. It is likely to generate more car borne traffic than suggested. Contractors access needs to be considered. Disagree with the conclusion that the proposal achieves criteria of the Local Plan as it is a greenfield site outside the settlement of Taunton. The proposal fails to comply with the Local Plan policies S1, S2 and S7 which defines Ruishton and Henlade as villages and also S8 "Outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area accords with specific Development Plan policy or proposal." Policy T1 identifies the definition of Taunton and paragraph 8.19 states "Development which would be physically severed from Taunton by the M5 is not favoured." There are no communal areas and the need for this development is not shown. In conclusion the development would be contrary to the Local Plan would effect the parkland setting of Woodlands. We refer to the Inspector's report from the Local Plan Inquiry which rejected a similar size, albeit office based, development of this site (No. REC23/62).

5 LETTERS OF OBJECTION have been received raising the following issues:- close care facilities cannot be considered in isolation, access lane too narrow for 42 properties, traffic travels at 30 mph and more, increased traffic problems as Ruishton Lane is a main route for traffic, pedestrians would have to cross road to catch buses, there are no buses evenings or Sundays, a footpath at the latter end will be useless, new access onto Ruishton Lane alarming due to its width, inadequate width for safety measures and turning, 3 storeys would be out of character, query over adequacy of drainage system.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Towns, Rural Centres and Villages), Policy1 (Nature Conservation), Policy 5 (Landscape Character), Policy 9 (The Built Historic Environment), Policy 33 (Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking) and Policy 49 (Transport Requirements of New Development)

Taunton Deane Local Plan Policies S1(General Requirements), S2 (Design), S3 (Energy Conservation), S8 (Outside Settlements), H12 (Affordable Housing), H13 (Rural Local Needs Housing), H18 (Residential Care Homes), M3a (Residential Parking Requirements), T1 (Extent of Taunton), EN3 (Local Wildlife Interests), EN4a (Protected Species), EN5 (Protection of Trees, Woodlands and Hedgerows) and EN17 & EN18 (Listed Buildings).

## **ASSESSMENT**

The application site lies beyond the settlement limit of Taunton and Ruishton and has previously been considered by the Local Plan Inspector as a potential site for office development. Whilst there are clear differences between the office proposal and the current scheme the issues of sustainability, affordability, wildlife habitat, conservation, setting of the listed building, visual amenity and traffic safety are all issues to be considered.

**Sustainability** - The site consists of an existing dwelling, curtilage and parkland that lies beyond the settlement limits of Taunton and Ruishton. Policy STR1 of the Joint Structure Plan and S1 of the Local Plan seek to minimise the length of journeys and the need to travel. The proposal includes the closure of the existing access onto the A358 and a new access onto Ruishton Lane. As part of the new access a footpath is proposed along the road frontage of the Lane. There are a number of bus services identified as using the A358 and one route through the village. Access to bus stops would be via a proposed new pavement along the Ruishton Lane frontage but would still involve the need to cross the main road in certain instances. The walking route to Hankridge is along busy main roads and does not form an attractive route for pedestrians. There is no shop in Ruishton and the likelihood is that people living or working at the site would be likely to drive and primarily be car dependent. The applicant's Transport Statement concludes that there would be less traffic flow at peak periods compared to the potential office use of the existing building. However traffic for the residential use proposed would occur at other times throughout the day. The Local Inquiry Plan Inspector considered the arguments against the allocation of the site on sustainability grounds to be well founded. Whilst the current proposal is for residential care and retirement home rather than offices it is still considered that occupants and staff would be car reliant and therefore the sustainability of the site is questionable.

**Affordability** - The application provides for 42 units of accommodation which exceeds the criteria of 25 whereby the provision of affordable housing is required in line with Policy H12 of the Local Plan. Policy 35 of the Structure Plan is also relevant and in the absence of such provision the proposal is considered contrary to policy.

**Wildlife Habitat** - The site has been identified by English Nature as one where there are likely to be protected species such as bats and badgers present. The applicant has been advised to undertake a wildlife survey. In the absence of one it is considered that there is insufficient information to ensure harm would not occur to protected species and habitat and therefore the application is considered to be contrary to policy 1 of the Structure Plan and Policies S1, EN3 and EN4a of the Local Plan. The application is therefore considered unacceptable on this basis.

**Conservation/Listed Building** - The proposal is to erect 3 new three storey buildings within the old garden area of the existing listed dwelling. The nearest new building would be 27 m away from the main house and would be 12.4 m high. The buildings are not considered to reflect the scale of the existing building and are not considered locally distinctive. These new structures are not considered to respect the character of the main dwelling and are considered to detract from the setting of the listed building contrary to Policy 9 of the Structure Plan and Policies EN17 & EN18 of the Local Plan.

**Visual Amenity** - The application site is in a semi rural area on the outskirts of the village of Ruishton. The new three storey buildings would be set within the garden to the east of the house and would be clearly visible from the public footpath. It is interesting to note that the applicant's Landscape Appraisal fails to illustrate the site from this direction. The new buildings will be close to existing important trees within the site and may result in the threat to remove them due to falling distances. In addition to the visual impact of the development from the public footpath the new footpath and access on Ruishton Lane would result in the removal of the existing roadside bank and hedge and

it is considered that this would detract from the rural character of the Lane. This is considered contrary to Policy STR1 and Policy 5 of the Joint Structure Plan Review and Policy EN5 of the Local Plan.

Traffic Safety - The proposal provides a new access onto Ruishton Lane and the closure of the existing access onto the A358 . The comments of the Highway Authority are currently awaited in relation to adequacy of access, traffic flows and parking.

## **RECOMMENDATION**

Permission be REFUSED for reasons of new build development outside defined settlement limits to the detriment of the character, setting and visual amenities of the existing listed dwelling contrary to Policies STR6 and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policies S1(D), S2, S8, H18, EN17 and EN18 of the Taunton Deane Local Plan. In the absence of a wildlife survey and without evidence to the contrary the development may harm habitat to the detriment of local wildlife and protected species contrary to Policies STR1 and Policy 1 of the Joint Structure Plan Review and Policies S1, EN3 and EN4a of the Taunton Deane Local Plan. The loss of bank and roadside hedge onto Ruishton Lane would detract from its rural character contrary to Policies STR1, STR6 and Policy 5 of the Joint Structure Plan Review and Policies S1 and EN5 of the Taunton Deane Local Plan. There is no affordable housing provision contrary to Policy H12.

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

**CONTACT OFFICER: 2456 MR G CLIFFORD**

NOTES: