

31/2006/020

THE PROPRIETORS OF RUISHTON COURT NURSING HOME

**ERECTION OF TWO STOREY EXTENSION TO PROVIDE 24 ADDITIONAL BEDS AND ERECTION OF 20 CLOSE CARE HOMES AT RUISHTON COURT NURSING HOME, HENLADE, RUISHTON (AMENDED DESCRIPTION)**

326134/124462

FULL

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**PROPOSAL**

The application site is located outside settlement limits for Taunton and is located directly to the south of the A358 from which vehicular access is also gained. The site is bound by open countryside to the east, south and west and by the A358 to the north.

The site consists of a relatively large, late Victorian, Grade 2 Listed country mansion with associated coach house set within relatively spacious grounds consisting of domestic curtilage, and adjoining paddocks. The building is currently used as a nursing home containing 30 beds.

The proposal consists of two main elements; the erection of a two storey extension to the rear of the Listed Building to provide 24 additional beds, a living room and dining room and the erection of 20 single storey close care homes which are detached from the Listed Building.

The proposed extension is located to the rear of the Listed Building and comprises of an L shaped two storey element linked to the Listed Building which steps down through a one and a half storey element to a single storey L shaped link. The extension projects a total of 32.5 metres from the rear elevation of the Listed Building before turning through 90 degrees in an south westerly direction. Viewed from the south east (looking at the rear of the Listed Building) the extension measures 29.0 metres in width (two storey element) with the addition of the single storey link measuring 7.5 metres.

In terms of height the extension is stepped down from the existing listed building measuring 8.6 metres to the ridge. The proposed materials re stated on the plans to match the existing (plain clay tiles, red bricks, timber windows and timber doors).

The close care units are located to the rear of the Listed Building and proposed extension extending over an area of existing curtilage measuring approximately 95 by 62metres at its widest point. This area of curtilage is defined by hedgerow with some significant trees to the south east, south west and north east boundaries. The proposed site is predominantly laid to lawn . However it includes a significant area of dense vegetation consisting of shrubs, scrub and trees at its southern end.

The proposed single storey units are laid out predominantly around the perimeter of the sites boundaries in a mixture of terraces, semi detached and detached formations. Vehicular access, 15 visitor parking spaces and communal landscaping are located to the centre of this arrangement.

The individual units measure approximately 10.8 x 6.0 m in footprint (three unit terrace 32.1 m x 6.0 m) with a ridge height of 4.6 m. The proposed materials on the submitted plan are stated to match those used in the extension to the Listed Building.

The final element of the proposal involves the creation of a vehicular access running in a south easterly direction from the existing drive to the front of the site, through the adjacent paddock, in order to gain access to the close care units to the rear of the Listed Building. The access point for the access from the existing drive is located in beneath two chestnut trees subject to tree preservation orders.

The proposal is considered to have an impact on existing TPO trees and significant non TPO trees. However the application is submitted without tree or wildlife surveys.

The application is accompanied by an economic viability assessment which provides economic justification for the development.

Previous applications (31/2006/008LB) for conversion of former coach house from ancillary residential accommodation to nursing home accommodation and construction of link building was granted and 31/1995/007 for conversion of former coach house from ancillary residential accommodation to nursing home accommodation and construction of link building was also granted.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposal would almost double traffic generation from the site using the existing direct access onto the A358. Whilst visibility is good the layout of this existing access is considered inadequate to cater for any increased traffic movements. The A358 carries a very high volume of traffic which is interrupted by turning movements and during the last five years three injury accidents have been recorded at the access that involved turning movements. Therefore I recommend the application be refused for the following reasons:- (1) The increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to road safety and the free flow of traffic. (2) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site. WESSEX WATER the proposals are being assessed and comments will be submitted shortly. HIGHWAYS AGENCY additional information is requested.

LANDSCAPE OFFICER the required felling of a TPO tree or the detrimental impact on two TPO trees of the proposed access route; the visual impact of the proposals on the surrounding countryside, especially as seen from the existing public footpaths

to the south and west; no landscape mitigation is submitted; no tree survey has been submitted but it is my opinion that existing boundary trees not under TPOs would be affected by the close care homes; landscape impact on the setting of the Listed Building. CONSERVATION OFFICER this proposal has not been appropriately justified and it is difficult for me to see how the impact of this proposal on the listed building and its setting could possibly be justified in the terms required by PPG15. The character of this building is neatly defined as a moderately sized country mansion with gardens in a setting of fields/paddocks. The gardens and setting are here an essential component of the designed 'package' and with the house collectively define the character of the site. The identity of the site is still intact if use itself has changed, though radical expansion of institutional use will have a devastating impact. The proposal will see the house marginalized and subordinated in a context approaching that of a themed holiday camp. In terms of size and massing the 'extension' (in effect a separate building) competes with the house while appearing a shrunken pastiche diluting the quality of its context. Architecturally speaking there is no logical historical foundation for this scheme. It fills a large chunk of the grounds and leads to sacrifice of an interesting (neglected) greenhouse. The close care units relate even less to context than the extension further destroying the grounds of the house and divorcing it from its broader landscape context. ECONOMIC DEVELOPMENT OFFICER the project creates a number of new jobs; the project reflects the changes that are taking place within the care industry, and responds to current legislation that is making it increasingly difficult for 'small' nursing homes to continue to operate viable businesses. It is therefore likely that individual units will have to expand significantly to arrive at a position where they can generate sufficient income to cover increased costs. This application demonstrates this trend, and we believe creates an innovative and attractive business development proposition; we are comforted by the proposed layout, in that the bulk of the new building will be single storey, and constructed to the rear of the existing buildings. This we feel retains the visual cohesion of the main house. DRAINAGE OFFICER no objections subject to standard notes regarding surface drainage and soakaways. FOOTPATH OFFICER the public footpath T22/18 passes within the western curtilage of Ruishton Court. Views from adjoining public ways would be impinged upon by such a large development proposal.

PARISH COUNCIL object to the application; concern was expressed over additional traffic onto the A358, the proximity of the proposed park and ride and the size of the development.

FOUR LETTERS OF SUPPORT have been received raising the following issues:- the proposal will provide much needed jobs in the area; the close care units are an excellent idea and surely must be the way forward for the future; the close care units are so designed that they would suit and help preserve what is an attractive listed building; the Nursing Home employees ages range between 15 - 63, many within walking distance so the traffic impact would be minimal; the proposal would have no visual impact as the new buildings would not be seen from the road; the close care homes would be a wonderful opportunity for couples to stay in their own homes; the Mount Somerset Hotel has recently has permission for a large extension which would involve a large increase in traffic.

## **POLICY CONTEXT**

PPS1- Delivering Sustainable Development sets out the overarching principles of the planning system. Of relevance Paragraph 5 states that one of the Government's objectives for the planning system is that planning should facilitate and promote sustainable urban and rural development by protecting and enhancing the natural and historic environment and the quality and character of the countryside. Of significance Paragraph 13.iii states:- "design which fails to take the opportunities for improving the character and quality of an area should not be accepted"

PPG15- The Historic Built Environment - Paragraph 3.3 of PPG15 states:- 'While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S.16 Planning (LBCA) Act 1990). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent."

PPS9 – Biodiversity and Geological Conservation.

RPG10 now called the Regional Spatial Strategy (RSS) and forms part of the adopted Development Plan. The South West Regional Assembly is currently preparing a revised RSS which is currently within its formal consultation period. The following policies are considered relevant to the consideration of this application:- Policy EN1 - Landscape and Biodiversity; EN3 - The Historic Environment; EN4 - Quality in the Built Environment; EC1 - Economic Development; TRAN 7 - The Rural Areas.

Somerset and Exmoor National Park Joint Structure Plan Review. This document was adopted in April 2000 and thus predates the inclusion of the RSS as part of the Development Plan Documents and recent Government Guidance. The following policies however, remain relevant for this application:- Policies STR1- Sustainable Development; STR6- Development Outside Towns, Rural Centres and Villages; Policy 1- Nature Conservation; Policy 5- Landscape Character; Policy 9- The Historic Built Environment; Policy 49- Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 - General Principles; S2 - Design; S7 - Development outside settlements; EC2 - Expansion of existing firms on land subject to restrictive policies; EN5 - Protected Species; EN6 - Protection of trees, woodlands, orchards and hedgerows; EN16 - Listed Buildings; EN17 - Changes to Listed Buildings. Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 requires development to be of a good design. Policy S7 states that outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and provided certain other criteria are met. Policy EC2 supports the expansion of existing firms on land subject to restrictive policies provided that the economic benefits outweigh any harm to the objectives of the relevant policy. Policy EN6 seeks to protect trees, woodlands, orchards etc that are of value to the areas landscape character or wildlife. Policies EN16 and 17 state that

development that would harm a listed building, its setting or any features will not be permitted, in addition any extensions must be sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

## **ASSESSMENT**

The overall requirements of the Development Plan are that most development should be directed towards sustainable locations, and that good access is available to public transport facilities and that the countryside should be protected. Where development is to take place in the countryside it should benefit the economy and maintain or enhance the natural environment. Further, that any new development proposals within the countryside should be appropriate in scale, form, impact, character and siting of the surrounding area; do not cause demonstrable harm to flora and fauna and that proposals affecting Listed Buildings should preserve and enhance the character, integrity and setting of those buildings.

The Development Plan therefore does not necessarily preclude any such development in this location. However any economic benefit must be weighed against the harm (visual amenity, nature conservation, Listed Buildings) etc.

The application is justified on the basis of economic viability, i.e. that the development is needed for the applicant to continue to run a profitable business. The Commercial Viability Assessment state that the care industry in general in the UK is facing challenging times. Specific to Ruishton Court it states that:- “the current viability of the care home is marginal with profits made only on the last three of the current thirty beds. Over the past twelve months there were two periods of six weeks when five or six beds were empty. When beds are empty there is no reduction in staff hours or running costs, such that the business was running at a loss for some 20% of the last year”; “with the care home being one of the smallest in the area, prices have to be set higher than most homes, which has made it difficult to remain competitive. Over the past 18 months the fee price has been reducing, with costs rising must faster than inflation. This is unsustainable and must be addressed”; “it has therefore been proposed to develop the care home with an extension to provide an additional 24 beds, increasing the capacity to 54 beds, considered to the minimum level at which the home can operate effectively and viably. In addition 20 close care bungalows will be erected in the grounds to allow clients to live as independently as they choose”.

It is noted that the Economic Development Officer supports the application on the basis of the economic benefits outlined in the justification.

However it is concluded that it has not been demonstrated that a development of the size and scale proposed should override the aims of the countryside policies of the Development Plan which seek to limit development in the countryside and only permit proposals that require to be in a rural location and are of an appropriate scale, form, impact, character and siting to its countryside location.

The size of the proposed extension is excessive and will undoubtedly have an adverse impact on the character and setting of the Listed Building. It is noted that the Conservation Officer objects to the scheme on the basis that the extension will

compete with the existing Listed Building and that the 'shrunken pastiche' design of the extension will further dilute the quality of the Listed Building and its context.

In addition the close care units will have a detrimental impact on the character and setting of the Listed Building. The Conservation Officer maintains that the identity of the site is defined by the 'package' of the house together with its gardens. The close care units will have a significant adverse impact on this historical setting which has retained its historic identity to the present day.

In addition the proposal will have an adverse impact on various trees, two of which are located to the front of the house are subject to Tree Preservation Orders. The two trees form an important part of an avenue of trees lining the driveway to the Listed Building. Other trees within the curtilage are likely to be adversely affected by the development and their loss will have an adverse impact on the setting of the Listed Building.

As such the proposal would fail to meet the tests of the Local Plan Policies EC2, S1, S2, EN16 and EN17, which seek to protect the character and setting of historic buildings and the advice contained within Planning Policy Guidance Note 15 – 'Planning and the Historic Environment'.

The Landscape Officer expresses concern that the application is submitted without a tree survey and that the development is likely to cause demonstrable harm to significant trees within the site. It is also noted by the Landscape Officer that the close care units are likely to damage existing trees which are generally located on the sites southern boundaries.

Views from an adjacent footpath to the west and south of the site will be affected. In addition the proposal is considered to be of a scale to affect views into the site from more distant vantage points to the south of the site. The scale, massing and extent of the development in close proximity to the existing site boundaries combined with loss of existing general soft landscaping and trees will cause demonstrable harm to landscape character and wildlife contrary to Local Plan Policies S1, EC2, EN6 and the guidance contained within PPS1; Delivering Development and PPS9; Biodiversity and Geological Conservation.

The County Highways Authority raise a strong objection to the application due to the significant increase in traffic movements that will result. The increase in vehicular movements will therefore result in detriment to highway safety contrary to the relevant development plan policies.

## **RECOMMENDATION**

Permission be REFUSED for the reasons that that (1) The increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to road safety and the free flow of traffic. As such the proposal is contrary to Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. (2) The proposed development derives direct access from a National Primary Route/County Route and no overriding special

need or benefit has been substantiated for the proposed development as such the proposal is contrary to the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. (3) The proposed extension by reason of its design, form, style and excessive size and bulk will have an unacceptable dominating impact on the original listed building and will cause demonstrable harm to the character, age, appearance and setting of the listed building contrary to Taunton Deane Local Plan Policies S1(D), EN17(A), (C), (D) and EN16 and the advice contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment. (4) The proposed close care homes by reason of their siting, layout, scale, orientation and design will have a detrimental impact on the character, integrity and setting of the adjacent listed building contrary to Taunton Deane Local Plan Policies S1(D), S2(A), EN17(C) and EN16 and the advice contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment. (5) The proposed close care homes and vehicular access by reason of their siting and layout will have a detrimental impact on existing trees and wildlife within the site including two trees subject to tree preservation orders. The application is also submitted without a tree wildlife survey and as such the precise impact on trees, wildlife and protected species cannot be fully assessed. The proposal will therefore cause demonstrable harm to trees, wildlife local landscape character and the setting of the Listed Building. As such the proposal is contrary to Taunton Deane Local Plan Policies S1 (C), (D), S2 (A), (C), (F), EN3, EN5, EN6, and EN8 and the advice contained within PPS9; Biodiversity and Geological Conservation.

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

**CONTACT OFFICER: 356468MR M HICKS**

NOTES: