

<b>Application Details</b>	
Application Reference Number:	<u>48/20/0050</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	21 December 2021
Expiry Date	<u>19 February 2021</u>
Extension of time	14 January 2022
Decision Level	
Description:	Erection of a 66 bedroomed care home (Class C2) with associated parking, access and landscaping at Heathfield Industrial Park, Hardys Road, Bathpool
Site Address:	<u>HEATHFIELD INDUSTRIAL PARK, HARDYS ROAD, BATHPOOL, TAUNTON</u>
Parish:	48
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	<u>Mike Hicks</u>
Agent:	
Applicant:	LNT CARE DEVELOPMENTS
Committee Date:	
Reason for reporting application to Committee	Recommendation is contrary to the Parish Council and 4 individual neighbours.

## 1. Recommendation

1.1 That planning permission be **REFUSED**

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for a carehome which is located on allocated employment land in the Monkton Heathfield urban extension allocation. The application is recommended for refusal for three reasons. Firstly, due to the impact on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar site due to phosphate discharge as there is no information within the application to demonstrate nutrient neutrality Secondly, the proposal is recommended for refusal on the basis of poor quality design and layout which would fail to present and acceptably distinctive and high quality development and would not enhance the prominent corner plot. This would be to the detriment of the area and to the future residents and users of the development. Thirdly, the

proposal is recommended for refusal on the basis of lack of public art provision within the scheme.

### **3. Planning Obligations and conditions and informatives**

3.1 N/A

### **4. Proposed development, site and surroundings**

#### **4.1 Details of proposal**

The application proposes the construction of a 66 bed carehome with associated parking, hardstanding, boundary treatment. The carehome would be a two storey H shaped form and would be located approximately in the centre of the plot. It would have an eaves and ridge height of 5.2 and 9.5 metres respectively. During the course of the application amended plans were received to show solar panels on the roof and minor alterations to the elevational treatment. External materials would consist of two tones of brick in a buff/brown colour and some smaller panels of render and artificial cladding. Windows would be grey powder coated aluminium. Grey tiles are proposed to the roof.

4.2 The vehicular access and egress would utilise two existing accesses from the site onto Coker Close on the northern boundary. A total of 21 parking spaces and 8 cycle spaces are proposed.

#### **4.3 Sites and surroundings**

The site consists of an undeveloped corner plot on the corner of the A38 and Hardys Road. Vehicular access is via Coker Close runs off Hardys Road along the northern site boundary. The site is allocated under Policy SS1 of the Taunton Deane Core Strategy for employment use and forms part of a site that has an extant full planning consent for B1 and B8 use. This consent has been partially built out with one of the buildings to the west of the site complete and occupied.

4.4 A landscaped bund is located to the southern boundary was constructed as part of the formation of the new section of the A38. To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road.

## Relevant Planning History

### 5. Planning history

Reference	Description	Decision	Date
48/17/0043	Erection of commercial buildings for Class B1/B8 usage, with amenities,	Approved	28/03/2018
48/05/0072	PROPOSED MIXED USE URBAN EXTENSION DEVELOPMENT COMPRISING RESIDENTIAL, EMPLOYMENT, LOCAL CENTRE, NEW PRIMARY SCHOOL, A38 RELIEF ROAD, GREEN SPACES AND PLAYING FIELDS	Approved	20/11/2015

### 6. Environmental Impact Assessment

6.1 N/A

### 7. Habitats Regulations Assessment

- 7.1 The site is located within the catchment for the Somerset Levels and Moors Ramsar site. The development is therefore required to demonstrate how it will achieve nutrient neutrality in order to comply with the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The County Ecologist has objected on the basis that the applicant has not submitted a phosphate mitigation scheme to demonstrate nutrient neutrality.
- 7.2 Having regard to the above, there is insufficient information to determine nutrient neutrality and the proposal would be contrary to Policy CP8 of the Taunton Deane Core Strategy, the Habitats Regulations and paragraphs 180-182 of the NPPF.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation:  
20/11/2020

8.2 Date of revised consultation (if applicable):  
30/06/2021 and 30/11/2021

Additional letters sent to an adjoining address on 30/05/22.

8.3 Press Date:  
27/11/2020  
21/04/2022- Advertised as a departure from the Local Plan.

8.4 Site Notice Date:  
Original site notice not dated.  
Second site notice dated 01/06/2022

8.5 **External Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WEST MONKTON PARISH COUNCIL	Supports the granting of planning permission. Detailed comments are made on matters relating to West Monkton Neighbourhood Plan Policies covering the following topics: external lighting, landscaping, water conservation, biodiversity.  Support the proposed solar panels on the roof and the amendments to design and appearance.	The support from the Parish Council is acknowledged, however the application is not considered to be acceptable when assessed against the development plan as a whole. These considerations are set out in the report below.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - ECOLOGY	Object due to the phosphates impact without mitigation being agreed. Other than phosphates, comments made relating to the potential for impacting on protected species and ecology of the site. No	Refer to section 13.1- 13.6

	objections are raised to these impacts subject to conditions relating to ecology friendly site clearance, external lighting to be agreed, ecological enhancements.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	No objections subject to conditions relating to visibility, parking clear of obstruction, surface water drainage, CEMP.	Refer to section 14.1- 14.4
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEAD LOCAL FLOOD AUTHORITY	No objections subject to conditions to secure a detailed drainage scheme, details of the management of the drainage scheme,	Refer to section 18.1
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESSEX WATER	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
POLICE ARCHITECTURAL LIAISON OFFICER	No objections. Detailed comment and design advice is given. Reference to the proposed scheme is generally positive when assessed against designing out crime criteria.	There are no adverse issues raised that should lead to a reason for refusal on the basis of designing out crime.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No objections. Comments are made relating to the need to comply with Building Regulations for means of escape and rescue service access.	There are no planning objections raised. The issues raised would be subject to consideration under Building Regulations.

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WEST HERITAGE TRUST	Initially stated that a desk based field evaluation is required prior to the determination of the application. Subsequently confirmed that the issue can be acceptably addressed via a planning condition.	Refer to section 17.1- 17.2
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ECONOMIC DEVELOPMENT	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESTERN POWER DISTRIBUTION	No comments received.	N/A

## 8.6 Quality Review panel:

- 8.6.1 The application was reviewed by the Quality Review Panel on 10/02/2022. The following is the summary quoted from the Panel's report:

*“The panel welcomes the employment opportunities offered by the care home, and accepts that this could be a satisfactory use for the site. However, the site is quite isolated, and also dominated by the main road and adjoining industrial development. The design needs to overcome these challenges and provide an outstanding environment for residents, which also enhances the overall neighbourhood for the benefit of the wider community. At present it fails to meet these needs and ambitions. The panel considers the proposed design to be generic and unrelated to its location, failing to meet Somerset West and Taunton’s aspirations for contextual, responsive, high-quality design. To achieve these standards, the panel feels significant changes are needed to the design approach, beginning with the building form which should express the building’s function. Re-orientating the block could improve both external form and quality of accommodation. A high quality of materials and detailing is an essential to delivering an appropriate external appearance. The panel encourages the applicant to employ a local architect to create a distinctive design approach, and to involve a landscape architect in developing the designs. Given the prominence of the site on the A38, the panel also asks the applicant to identify opportunities to make the building more architecturally distinctive and responsive to its location.*”

*Further thought is also needed to ensure outdoor communal spaces are embedded into the overall design and are of a high quality. The adjacent plot to the west could form part of this solution. The current proposals are also dominated by car parking areas, which should be reduced and integrated into a landscape vision for the site”.*

8.7 **Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
PLACEMAKING SPECIALIST	Objects to the application on the basis of poor design. Layout and design are mediocre quality. Lack of visual interest, imagination, focal building required on the corner. Sustainable principles not incorporated into design. Two electric charging points insufficient. Layout both internally and externally does not accord with up-to-date design standards.	Refer to section 12.1-12.13
PLANNING POLICY	No objections. The following points are raised: <ul style="list-style-type: none"> <li>• Significant need for specialist housing for older people over the period 2020-2040.</li> <li>• No objection to the principle of the development taking into account the overall development plan.</li> <li>• Applicant should provide evidence that the proposal would mitigate potential noise nuisance from the adjacent commercial use.</li> </ul>	Refer to paragraph 11.7  Refer to section 11.1-11.19  Refer to paragraphs 15.4-15.5  Refer to paragraph 11.1

	<ul style="list-style-type: none"> <li>The Council are expecting to confirm a housing land supply of 4.04 years.</li> <li>In the absence of a 5 year housing land supply, paragraph 11 of the NPPF is engaged (the tilted balance).</li> </ul>	In accordance with paragraph 182 of the NPPF the 'tilted balance' is not engaged as the proposal would harm a protected habitat site (Somerset levels and Moors Ramsar/SPA).
LANDSCAPE	No objections, however further landscaping detail required.	Scheme is not acceptable in design terms and accordingly a detailed landscaping scheme has not been pursued.
TREE OFFICER	Application is an opportunity for some high quality landscaping and specimen trees. Defer to landscaping and place making specialists for further comment.	As above.
ECONOMIC DEVELOPMENT	No comments received	N/A

## 8.8 Local representations

8.8.1 Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

9 letters have been received from 7 local households making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Not enough parking spaces for the development. Surrounding roads are inadequate for overflow parking.	Refer to paragraph 14.3
Site is tight for a 66 bed carehome. The area of land adjacent to Bridgwater Road may be more appropriate.	Concerns are raised over the design and layout of the proposal. Suggestions have been made to enlarge the site to provide additional soft landscaping.
More sustainable construction measures should be included such as solar panels and EV charging points.	Refer to paragraphs 16.1- 16.3

Support	Officer comment
Improvement over the original permission for 4 employment buildings. Will better reflect the existing character of the area.	Refer to paragraph 12.2
Will not generate the heavy traffic that a commercial use would	Refer to section 14.1- 14.2
2 stories is appropriate for this location. 3 storeys would not be appropriate adjacent to existing dwellings.	There are concerns raised over the design of the proposal. This is not necessarily due to the height of the building per-se. A building with three store elements may also be appropriate in principle on this site.

#### 8.9. Summary of support - non planning matters

- Comments are made querying who will be responsible for the completion of the pavement and cycle path and bollards adjacent to 50-52 Roys Place.
- Existing industrial building is devaluing property in the area.

### 9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013) and the West Monkton and Cheddon Fitzpaine Neighbourhood Plan (2017).

9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

9.3 Relevant policies of the development plan in the assessment of this application are listed below:

Taunton Deane Core Strategy:  
SB1 - Settlement Boundaries,  
DM1 - General requirements,  
DM - Design,  
DM5 - Use of resources and sustainable design, CP1 - Climate change,  
CP2 - Economy,  
CP6 - Transport and accessibility,  
CP8 - Environment,

Taunton Deane Site Allocations and Development Management Plan  
EC1 - Other uses in employment areas,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
D7- Design  
D13 - Public Art,  
C6 - Accessible facilities,  
ENV4 - Archaeology,  
ENV2 - Tree planting within new developments,

#### 9.4 Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021  
District Wide Design Guide, December 2021

##### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim  
Guidance Statement on Planning for the Climate Emergency (February 2021)

#### 9.5 Neighbourhood plans:

The site is within the West Monkton and Cheddon Fitzpaine Neighbourhood  
Plan area. The following policies are relevant:

E3- Retain Existing Employment Land/Buildings for Employment Usage

E4- Social care Employment Opportunities

R1- Dark skies

R2- Green space and wildlife

R3- Water and flood attenuation/water conservation

R6- Trees and hedgerows

H2- External materials for residential development

#### 9.6 National Planning Policy Framework (the NPPF)

The NPPF is a material consideration.

## 10 Material Planning Considerations

10.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Design of the proposal
- Ecology, Biodiversity and Phosphates
- Access highway safety and parking provision
- Residential amenity
- Energy efficiency and climate change
- Archaeology
- Flood risk/drainage
- Public art

## 11. The principle of development

11.1 Somerset West and Taunton Council have recently published the 2022 Strategic Housing Employment Land Assessment. It shows that the former Taunton Deane Borough Council Local Plan Area has around a 4.04 housing land supply. Where there is an absence of five year housing land supply, the 'presumption in favour of sustainable development' in paragraph 11 of the NPPF applies. This is also known as the 'tilted balance'. However paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant impact on a habitats site, including Ramsar and SPA sites unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. As stated above, no phosphate mitigation proposals have been agreed for the development. As such, the 'tilted balance' is not engaged in this case and therefore Development Plan policies remain in full effect in determining the proposal.

11.2 The policies relating to the principle of a carehome on employment land consist of CP2 and SS1 of the Core Strategy and Policy EC1 of the Development management Plan. Policies E3 and E4 of the Neighbourhood Plan are also relevant.

11.3 Policy CP2 'Economy' of the Core Strategy states:

Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site."

11.4 Policy SS1 applies to this site. Policy SS1 states:

*"22.5 hectares of additional employment land for research and development (B1 (b)), light industrial (B1 (c)), general industrial (B2) and storage and distribution (B8) to be provided in the first phase of development, of which, 3*

*ha to be at and adjacent to The Hatcheries and 19.5 hectares south of Langaller. A further 10 ha shall be reserved for longer term release around Walford Cross.”*

11.5 Policy EC1 states that other employment generating uses within existing committed employment areas will generally be permitted subject to the following criteria

:

- A. Other relevant development plan policies being satisfied;
- B. The proposal must be in a location accessible by means of a range of transport modes including public transport;
- C. The proposal must not undermine the operational capabilities of Class B uses in the area;
- D. Where applicable, appropriate landscaping and screening is provided

11.6 Paragraph 122 of the National Planning Policy Framework (NPPF) states:

*'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

- a) It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area'.*

11.7 There is an established need for specialist housing for older people in the District. The Local Housing Needs assessment suggests that 3,705 units of sheltered housing and extra care being required over the period 2020-2040. There is also evidence available relating to the need for employment land. The Employment, Retail and Leisure Study (2018) was commissioned which concluded that there was an oversupply of industrial and office land within the former Taunton Deane area.

11.8 The original consent for B1/B8 buildings on the site contained 5 buildings. The largest of these has been built and is occupied (2330 square metres). The remaining buildings consented (block A, B1, B2 and C) would not be completed as a result of this application and these total 4708 square metres. However, it is noted that the proposed site area allows for potential further employment development between the carehome and the existing completed employment building.

- 11.9 The applicant has confirmed that there was speculative marketing carried out which related to the unbuilt commercial units and was for the land only. It is understood from the applicant that there was insufficient interest for the remaining buildings to be developed. Detail on this marketing strategy is lacking as the submitted information relates to the units in the completed employment building. Accordingly the marketing information can be given very limited weight. Furthermore, it has not been demonstrated by the applicant that the site is unviable for Class B employment use.
- 11.10 The proposed carehome would not provide a Class B employment use and therefore there would be technical conflict with Policy SS1; however the applicant has confirmed that the carehome would generate 42 full time jobs on the day shift and 12 full time jobs on the night shift. These jobs include a range of roles from managers, carers and other ancillary/support staff. The applicant has referenced an appeal decision for a comparable situation which was allowed (ref. PP/C2741/A/11/21267481). In this appeal the employment generation of the carehome was a relevant material consideration that weighed in favour of granting the appeal. Notwithstanding this, the application needs to be judged on its individual merits taking into account relevant policy and site circumstances.
- 11.12 In terms of employment density, the 54 jobs would equate to 88 square metres/job for the carehome. This can be compared against guidance in the 'Homes and Communities Agency Employment Density Guide' 2015. Employment densities in the guide for B1/B8 use range from 12 square metres/job to 77 square metres/ job. Light industrial uses are listed at 47 square metres/job. Based on the above, it is difficult to make a prediction of the likely total employment generation of the employment units as this depends on the end users of which there would likely be a wide range within the extant employment scheme. Furthermore, the complete build out of the remaining four employment buildings may take many years to be realised as opposed to a carehome which delivers a large number of jobs at once.
- 11.13 Having regard to the above, it is considered that the density of employment generated by the carehome is likely to be lower but not necessarily significantly lower than the extant B1/B8 buildings. Accordingly, while there is some conflict with SS1 as the proposal does not provide Class B employment, this must be balanced against the employment that would still be generated by the proposal and any other benefits.
- 11.14 Policy E3 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan requires at least two years of marketing or data in line with a pre-agreed marketing strategy and a viability assessment to demonstrate that the employment use is no longer viable. Significant weight is given however to the employment generating nature of the carehome and accordingly whilst not a Class B use can be considered an employment use with comparable employment densities to a typical B8 use. Accordingly there would be no conflict with the overall aims of Policy E3 which seeks to retain sites for employment purposes.

- 11.16 Policy SS1 of the Core Strategy also seeks along with employment provision to provide a mix of residential accommodation, including care facilities and accommodation for the elderly. As such there would be compliance with this aspect of SS1. Furthermore, the proposal would comply with Policy E4 of the West Monkton Neighbourhood Plan which supports the principle of a carehome as an employment generating use within the Neighbourhood Plan area.
- 11.17 Policy EC1 seeks to allow alternative employment generating activity in an employment area. Having regard to the above considerations, the provision of a carehome would accord with the general aims of EC1, subject to the criteria A-D being met. Criteria A requires compliance with other development plan policies. Whilst there would be some conflict with SS1 on the basis of the carehome not being a Class B use, this conflict is given reduced weight given that the employment generating nature of the carehome complies with the aims of Policy EC1 as well as the overall aims of SS1 to provide employment. Lack of compliance with other issues not relating with the principle of the use are considered separately. The proposal would comply with criteria B and C. These are discussed elsewhere in the relevant sections of the report below. Criteria D requires appropriate landscaping and screening. As discussed in the report below, there is an objection to the design of the proposal. This includes the layout and of the building along and landscaped areas. Accordingly as proposed the landscaping is not appropriate and accordingly this criteria is not met.
- 11.18 Policy CP2 of the Core Strategy requires an assessment of the overall benefit of the loss of employment land against the disadvantages. Having regard to the accepted employment generating nature of the use it is considered that the only disadvantage of the proposed use relates to the potentially higher employment densities of B1 uses. However the advantage of the proposal in employment terms is that it delivers a relatively large number of jobs at once and accords with the general policy aims to retain alternative employment uses. In addition, the proposal would provide specialist care accommodation for which there is an evidenced need and which is supported by Policy E4 of the Neighbourhood plan as well as Policy SS1 of the Core Strategy. It is therefore considered that the advantages of the proposed use would outweigh the disadvantages and would therefore comply with Policy CP2 of the Taunton Deane Core Strategy.
- 11.19 Overall, it is considered that there is a technical conflict with Policy SS1 as the employment would not be within the Class B uses and with Policy E3 of the Neighbourhood Plan because there is inadequate marketing or viability information submitted. Notwithstanding this, the overall aim of these policies would be met given the employment generation of the carehome. Furthermore, Policy E4 of the Neighbourhood Plan accepts the principle of such facilities as employment generating uses. Additionally, the proposal complies with Policy EC1 which seeks to permit alternative employment on allocated sites. In addition to the above the proposal would meet an

evidenced need for specialist care housing within Monkton Heathfield as supported by Policy SS1. Whilst there would be limited conflict with aspects of Policies SS1 and E3, the proposed use would accord with the Development Plan as a whole. Accordingly the proposed use is considered to be acceptable in principle.

## **12. Design of the proposal**

12.1 Paragraph 126 of the NPPF states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”.*

12.2 Policy D7 of the Taunton Deane Site Allocations and Development Management Plan states:

*“New housing and commercial developments shall create a high standard of design quality and sense of place by:*

- 1. Creating places with locally inspired or otherwise distinctive characteristics and materials;*
- 2. Reflecting the site and its context, including existing topography, landscape features and the historic environment;*
- 3. Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and*
- 4. Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well”.*

12.3 Policy DM 1(d) states that development will be required to ensure that the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development.

12.4 Policy SS1 states: The development form and layout for Monkton Heathfield should provide; A variety of character areas which reflect the existing landscape character and the opportunities and constraints provided by natural features to create a place that is distinctive and memorable;

12.5 Further to the above, in accordance with paragraph 129 of the NPPF, the Council has adopted the Districtwide Design Guide Supplementary Planning Document (SPD). The SPD along with accompanying documents, the Garden Town Vision document, and the Taunton Design Charter and Checklist seek to set a local aspiration for a high standard of design in the District. The Garden Town Vision document sets out the expectations for

new garden neighbourhoods, including a distinctive local identity, landmark buildings, key groupings and character areas. The Taunton Design Charter and Checklist and the District Wide Design Guide SPD set out in greater detail how good design is expected to be achieved.

- 12.6 The application was considered by the Quality Review Panel (QRP) during consideration of the proposal. The Quality Review Panel expressed concerns over the design of the proposal.
- 12.7 The QRP and the Council's Placemaking Specialist both object to the proposal that the proposed design fails to provide high quality design, would not enhance the site and surroundings and would not provide a high quality environment for residents.
- 12.8 The proposal is considered by the QRP and Placemaking Specialist to be a standard, generic design as opposed to a bespoke response to the requirements of the site. Its form, siting, materials and overall appearance is considered to be unimaginative with overly horizontal emphasis and lack of visual interest. Of significance the site is a prominent corner plot and terminating view for approaching traffic on the A38 to the North of the site. The proposed design fails to present an acceptable focal point or solution to the prominent corner plot. This is contrary to page 81 of the Design Guide which states that in such situations the design should be legible at a relatively long distance, terminating the vista and that the design should 'assert itself'. Furthermore that corner plots present an architectural opportunity (p. 80). In terms of Local Plan Policy this aspect of the development would be contrary to Policy D7 which requires that buildings '*define and enhance the streets and spaces, and that buildings turn street corners well*'.
- 12.9 In further detail, the form has a very horizontal emphasis, a large unbroken area of roof and lack of visual interest in the elevations. This is contrary to Pages 123-124 of the Design Guide which refers to the need to avoid overly horizontal emphasis in the street scene, stresses the importance of variety within the elevations, varying the roof scape, eg heights and maintaining active frontages. These aspects of the scheme are considered to be deficient in design terms.
- 12.10 The QRP commented for example that the building elevations should reflect the functions within and architectural interest should come from inside, not from applied decoration. As an example the communal areas are currently hidden meaning that identical bedroom windows are the dominant external openings. The Placemaking Specialist commented that the unbroken two storey form along with the deficiencies in elevational treatment would not provide any visual interest, focal point or enclosure to the corner plot. This is contrary to Policy D7 which requires that places are created with locally inspired or otherwise distinctive characteristics and materials and that streets and spaces are enhanced. Policy H2 of the Neighbourhood plan requires that residential developments incorporate locally distinctive materials such as red sandstone and natural slate/clay roof tiles. The application form indicates grey

concrete tiles for the roof. There are no locally distinctive materials throughout the building elevations. Accordingly, the proposal does not comply with Policy H2 of the Neighbourhood Plan.

- 12.11 In terms of landscaping, the QRP further comment that the building is dominated visually by car parking. There is no detailed landscaping scheme with the proposal and the landscaped areas would be fragmented. There are also concerns raised that the proposal does not create a sufficiently high quality environment for residents. Additionally, there is a high proportion of North facing rooms. These factors combined with the drawbacks of the site such as its relatively constrained dimensions, remoteness from wider open space and local facilities such as shops along with road noise would result in a poor environment for residents. These factors place an even greater requirement on a developer to provide a high quality design and an appropriately high quality environment for residents within the site.
- 12.12 It is acknowledged that some of the neighbour comments have supported the design of the proposal and this is taken into account; however it does not override the primary assessment against policy outlined in this report. The applicant has suggested that the proposal would be an enhancement compared to the earlier consent for commercial buildings. It is, however, considered that proposals should be judged on their merits against current policies. Since the earlier consent in 2017, Taunton has achieved Garden Town status and accordingly local policy documents have been adopted. Furthermore, the NPPF has been altered to place greater emphasis on design, creating 'beautiful' and distinctive places and also on the need for development to follow local design guides and codes. In this regard, the Design Guide provides detailed advice on how to achieve high quality design as discussed above.
- 12.13 Given the above concerns over the design it is considered that the proposal would be contrary to Policy D7 of the Taunton Deane Site Allocations and Development Management Plan, DM1 and DM4 of the Taunton Deane Core Strategy, paragraphs 126-136 of the NPPF and the District Wide Design Guide SPD December 2021.

### **13. Ecology, Biodiversity and Phosphates**

- 13.1 Policy CP8 of the Core Strategy requires amongst other criteria that development protects habitats and species and provides for any necessary mitigation measures. Paragraph 99 of the Government Circular (06/2005) Biodiversity and Geological Conservation requires that the Planning Authority establish the presence or otherwise of protected species and the extent to which they might be affected by the proposed development before planning permission is granted.
- 13.2 The submitted ecological assessment concludes that the site is of low ecological value, unlikely to support notable or protected species. There are no other features on or surrounding the site that suggest the site may be a

habitat for protected species such as amphibians, bats, badgers, hedgehogs or reptiles. The site is used for foraging by a range of bird species, however there are no nesting opportunities. Having regard to the above, the absence of protected species on the site can be reasonably concluded. Subject to enhancements and mitigation it is considered that the proposal would ensure no harm to protected species and would provide ecological enhancements. The proposal would therefore have an acceptable impact on ecology and biodiversity within the site in accordance with Policy CP8 of the Taunton Deane Core Strategy.

- 13.3 The site is located within the catchment for the Somerset Levels and Moors Ramsar/Special protection Area (SPA) site. The development is therefore required to demonstrate how it will achieve nutrient neutrality in order to comply with the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The County Ecologist has objected on the basis that the applicant has not submitted a phosphate mitigation scheme to demonstrate nutrient neutrality.
- 13.4 The proposed care home would increase the residential population within the catchment for the Somerset Levels and Moors thereby increasing phosphate levels within the Ramsar/SPA. Following the court Judgement (known as Dutch N), In light of the current unfavourable condition of the Somerset levels and Moors due to phosphates, Natural England have advised that any development that potentially raises phosphate levels within the protected site would be deemed to have a 'significant effect'.
- 13.5 Regulation 63 of the Habitats Regulations 2017 requires the LPA (as the competent authority) to undertake an appropriate assessment of the implications of any development that is likely to have a significant effect on the Ramsar site. The LPA is under a statutory duty not to grant planning permission unless it has first ascertained that the proposed development will not adversely affect the integrity of the Ramsar
- 13.6 Having regard to the above, there is insufficient information to determine that the development will achieve nutrient neutrality. Consequently, in the absence of any satisfactory mitigation and the necessary mechanism for achieving it, Officers are not satisfied that the proposals would not affect the integrity of the Ramsar site. As such, the proposals would conflict with paragraphs 174 and 180-182 of the NPPF which indicates that development should protect sites of biodiversity value and contribute to and enhance the natural environment having regard to water quality and pollution. This precautionary approach is in line with the requirements of the Habitats Regulations
- 13.7 For the same reason, the proposal would also be contrary to Policy CP8 of the Taunton Deane Core Strategy. .

## 14. **Access, Highway Safety and Parking Provision**

- 14.1 The Highway Authority have been consulted and have commented that no objections are raised to the proposal. Visibility splays at the access comply with the required standards. The access is designed to facilitate two way vehicular flow. Accordingly, the access and egress, including for refuse and emergency vehicles is considered to be acceptable.
- 14.2 The Highway Authority comment that the parking provision is slightly above the recommended optimum standards in the Somerset Parking Strategy. In addition, the parking provision is slightly over the maximum provision set out by Policy A1 of Site Allocations and Development Management Plan. However the slight over provision is not sufficient grounds to warrant a refusal in the absence of an objection from the Highway Authority.
- 14.3 Concerns have been expressed by a nearby neighbour that the proposal will result in over spill parking on surrounding roads due to a lack of spaces in the site. These concerns are acknowledged; however given that the number of spaces within the site exceeds the policy requirement and the Highway Authority do not object, there is insufficient evidence to suggest that there would be any notable additional on street parking as a result of the proposal.
- 14.4 The Highway Authority have recommended conditions relating to visibility splays, retention of parking spaces, cycle storage, provision of 2 EV charging points, and agreement of a construction environmental management plan. Subject to these conditions it is considered that the proposal would no have an unacceptable impact on highway safety and on the highway network in the locality. The proposal therefore accords with Policy DM1 of the Taunton Deane Core Strategy.

## 15. **Residential amenity**

- 15.1 The proposed building is located a minimum of 29 metres from the nearest dwellings which are located within Coker Close. This distance is considered to be sufficient to safeguard the amenities of these existing residents in relation to overshadowing and overlooking. The proposed carehome would not generate adverse impacts by way of noise and disturbance. The impact on existing residential properties is therefore considered to be acceptable.
- 15.2 The building would be located approximately 63 metres to the East of the existing commercial building which has a B1/B8 use. This distance is slightly less than the distance between Coker Engineering and several of the existing dwellings in the locality. These separation distances were assessed and considered to be acceptable when the commercial buildings were originally permitted in 2017.
- 15.3 The Environmental Health Department have commented and do not raise an objection to the application. They mention that one noise complaint was

received from a nearby resident relating to noise coming from within the commercial building but that this was not pursued further by the complainant it suggests that this was a one off incident. Other factors are cited by Environmental Health as being favourable such as the orientation of habitable rooms, the distance from the employment building B1 and the restrictive planning condition on outside activities and deliveries. The condition attached to the commercial building restricting deliveries and vehicular movements to 07.30-19.00 Monday- Friday and 08.00-13.00 on Saturdays.

- 15.4 The Environmental Health Department suggested that mitigation could be provided within the building such as acoustic ventilation. The applicant has confirmed that they use such ventilation within their developments where noise is a potential issue and have raised no objections to such mitigation being secured via a planning condition.
- 15.5 Given the above considerations, the carehome is not considered likely to be adversely affected by the existing employment use. Accordingly, the carehome would not undermine the operational capabilities of the adjacent businesses. As such the proposal would accord with Policy EC1 (C ) of the Site Allocations and Development Management Plan.
- 15.6 Having regard to the above, it is considered that the commercial use would be compatible in this residential area and there would be no undue impact on existing or future occupiers by way of noise or general disturbance. The proposal would therefore accord with Policy DM 1 of the Taunton Deane Core Strategy.
16. **Energy efficiency/Climate change**
- 16.1 Policy CP 1 requires that development addresses the issue of climate change through various measures. These include factors such as reducing the need to travel through locational decisions, the use of water conservation measures, enhancing ecosystems and measures to reduce the 'heat island effect'.
- 16.2 The proposal includes several measures to address the above within the design of the scheme such as the use of ground source heating, 2 electric vehicle charging points, PIR sensors on lighting. During the course of the application amended plans were received showing the installation of solar panels on the roof. The sustainability statement submitted with the application states that the solar panels would provide most of the homes' electricity. The statement concludes that the on site renewable energy provision would be equivalent to a BREEAM 'Very Good' rating. The design of the landscaping around the site through appropriate design is capable of providing cooling in the summer once mature.
- 16.3 Having regard to the above, it is considered that the proposal would provide sufficient renewable energy and other measures to comply with Policy CP1

of the Taunton Deane Core Strategy, paragraphs 180 and 182 of the NPPF and the relevant sections of the Habitats Regulations.

## 17. **Archaeology:**

- 17.1 The County Archaeologist has been consulted and has commented that the site is located in an area where relatively significant archaeological remains have been found. Accordingly, the archaeologist initially commented that an archaeological assessment and field evaluation would be required prior to the application being determined.
- 17.2 Following this, the archaeologist amended their response confirming that there are archaeological investigations already taking place in the area which has included the application site. Accordingly, has been confirmed by the County Archaeologist that further archaeological investigations of the site are not necessary. The proposal would therefore accord with Policy CP8 of the Taunton Deane Core Strategy.

## 18. **Flood risk/drainage:**

- 18.1 The site is located within flood zone 1. The LLFA have been consulted and have commented that no objections are raised subject to a condition to agree a detailed drainage scheme and a condition to agree the management of the scheme. These conditions are considered necessary and reasonable to ensure that Suds drainage principles are incorporated into the scheme to ensure that there is no increase in flood risk elsewhere. Subject to the above condition the proposal would comply with Policy CP8 of the Core Strategy.

## 19. **Public Art**

- 19.1 Policy D13 of the Site Allocations and Development Management Plan requires that commercial developments of over 2500 square metres will be required to contribute towards the provision of public art through integrating public art into the design of the building and public realm. This has not been addressed within the application and therefore the proposal is contrary to Policy D13,

## 20. **Local Finance Considerations**

### 20.1 Community Infrastructure Levy

The proposed carehome is a C2 (residential accommodation and care) use as opposed to a standard C3 (dwellinghouse) residential use. Accordingly, it is not a CIL liable development.

## 21. **Planning balance and conclusion**

- 21.1 The proposed carehome would be located on an allocated employment site, However, it would provide a similar level of employment to a Class B

employment development. In addition, a benefit of the proposal is that it would contribute towards an identified specialist housing need in the District. Accordingly, the principle of a carehome use on the site is accepted.

- 21.2 Notwithstanding this, the proposal is considered to be of poor quality design contrary to guidance in the National Planning Policy Framework, Local Plan Policies and the Districtwide Design Guide SPD. In addition, the proposal does not incorporate public art into the development contrary to the Local Plan.
- 21.3 The proposal is not, therefore, in accordance with the policies in the Development Plan, taken as a whole.
- 21.4 Furthermore, the site is located within the catchment for the Somerset Levels and Moors SPA/Ramsar site and the applicant has not demonstrated a phosphate mitigation solution. Without such a solution being submitted and accepted by the Local Planning Authority, the proposal would conflict with the Habitats Regulations (2017) , the NPPF and Policy CP8 of the Local Plan. in relation to adverse impacts on the integrity of the SPA/Ramsar and harm to the natural environment.
- 21.5 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.
- 21.6 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Reasons for Refusal and Informatives

- 1 The site is located in a prominent corner position and provides a terminating vista along the A38. The proposal by reason of its design, form, scale, materials, detailing, layout, boundary treatment and landscaping treatment does not respond acceptably to its surroundings or the site constraints. Accordingly, the development would represent poor design that fails to create an acceptably locally distinctive, beautiful and high quality development and would not enhance the street or turn the corner well, to the detriment of the streetscene, and the future residents and users of the development. Accordingly the proposal is contrary to Policies DM1, DM4 and SS1 of the Taunton Deane Core Strategy, Policies D7 and EC1 of the Site Allocations and Development Management Plan, Policy H2 of the Neighbourhood Plan, paragraphs 126-136 of the NPPF and the District Wide Design Guide Supplementary Planning Document December 2021.
  
- 2 The proposed development is located within the catchment of the Somerset Levels and Moors SPA and Ramsar site and accordingly foul drainage from the development is expected to impact upon the unfavourable conservation status of the protected site. No information has been submitted to demonstrate that the development would incorporate mitigation measures to ensure phosphate neutrality. Accordingly, the LPA, having undertaken an appropriate assessment of the proposal as the competent authority, cannot be satisfied that the development would not affect the integrity of the SPA/Ramsar site. As such, the proposal would be contrary to Policy CP8 of the Taunton Deane Core Strategy and paragraphs 174 and 180-182 of the National Planning Policy Framework and Regulation 63(5) Habitats Regulations 2017.
  
- 3 No information has been submitted to demonstrate that public art has been integrated into the design of the building and public realm. Accordingly, the development is contrary to Policy D13 of the Site Allocations and Development Management Plan.

### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.



FRAME PROJECTS

**Somerset West and Taunton Quality Review Panel**

**Report of Chair's Review Meeting: Heathfield Industrial Park**

Thursday 10 February 2022

Zoom video conference

**Panel**

Andrew Beharrell (chair)

Marie Burns

**Attendees**

Michael Hicks	Somerset West and Taunton Council
Fiona Webb	Somerset West and Taunton Council
Tom Bolton	Frame Projects
Abigail Joseph	Frame Projects
Miranda Kimball	Frame Projects

**Apologies / report copied to**

Alison Blom-Cooper	Somerset West and Taunton Council
Rebecca Miller	Somerset West and Taunton Council
Deborah Denner	Frame Projects

## **1. Project name and site address**

Heathfield Industrial Park, Hardy's Road, Bathpool, Taunton, TA2 8GR

Planning application: 48/20/0050

## **2. Presenting team**

Graeme Booth                      LNT Construction Ltd

Jo Kemp                              LNT Construction Ltd

Alistair Wood                      LNT Construction Ltd

## **3. Planning authority briefing**

The site is located in an area designated for employment use within the Monkton Heathfield urban extension site allocation, which is identified as a new garden community on the outskirts of Taunton.

As there was no interest in the site for commercial uses, the applicant has argued that the proposed use for the site, as a care home, will provide employment at a similar rate to Class B uses and that the design will be an improvement over the employment scheme. The application proposes a two storey, 66-bedroom care home to provide residential and dementia care for 66 local older people. Provisions at the care home include a range of indoor facilities as well as communal outdoor spaces.

Officers understand the design requirements for the proposed specialist housing and that the site has been allocated for employment use; nevertheless, officers have concerns about the overall layout, elevational treatment, given the site's interaction with the wider public as a terminating vista for traffic on the A38, and the general quality of design. Officers asked for the panel's view on these issues in particular, and on whether the submitted scheme meets the design standards required for the garden community.

## **4. Quality Review Panel's views**

### *Summary*

The panel welcomes the employment opportunities offered by the care home, and accepts that this could be a satisfactory use for the site. However, the site is quite isolated, and also dominated by the main road and

adjoining industrial development. The design needs to overcome these challenges and provide an outstanding environment for residents, which also enhances the overall neighbourhood for the benefit of the wider community. At present it fails to meet these needs and ambitions. The panel considers the proposed design to be generic and unrelated to its location, failing to meet Somerset West and Taunton's aspirations for contextual, responsive, high-quality design. To achieve these standards, the panel feels significant changes are needed to the design approach, beginning with the building form which should express the building's function. Re-orientating the block could improve both external form and quality of accommodation. A high quality of materials and detailing is an essential to delivering an appropriate external appearance. The panel encourages the applicant to employ a local architect to create a distinctive design approach, and to involve a landscape architect in developing the designs. Given the prominence of the site on the A38, the panel also asks the applicant to identify opportunities to make the building more architecturally distinctive and responsive to its location. Further thought is also needed to ensure outdoor communal spaces are embedded into the overall design and are of a high quality. The adjacent plot to the west could form part of this solution. The current proposals are also dominated by car parking areas, which should be reduced and integrated into a landscape vision for the site. These comments are expanded below.

### *Architecture*

- The panel notes that the proposals are based on a standard design, rather than an architectural response to the requirements of this particular site. It understands that the layout has evolved through the applicant's extensive experience of care home development and operation, but considers that operational needs can be met in a more contextual design.
- The panel encourages the applicant to reconsider its design approach to ensure the scheme meets the Taunton Garden Town Vision and associated design aspiration expressed through the Design Charter, Design Guide and other policy documents, and provides a scheme that will benefit both residents and the wider area.
- The building should express the functions within, and architectural interest should come from inside, not from applied decoration, for example by celebrating the entrance and communal areas. The form of the proposals should therefore be reconsidered. Communal areas are currently hidden, meaning that identical bedroom windows are the dominant external openings. If, for example, windows could differ by

floor, expressing room types and stairs from the outside, a much higher level of integrity and variety could be provided.

- The site sits in a key location on the edge of the Monkton Heathfield Garden Community, prominent in views from the A38. The panel feels a more distinctive building is required to respond to these characteristics.
- The panel also considers that the site has the capacity for a taller building than is currently proposed. This could, potentially, be up to three-storeys in height in parts.
- The roofscape can play an important role in giving the building a distinctive appearance, and the panel suggests breaking it down into smaller, pitched gables.
- The panel feels a local architect could help the team to explore how the building design can better reflect and integrate with the location and character of the area.

### *Building form*

- The panel feels the care home building would be more architecturally successful and offer a higher quality of accommodation if the block form were re-orientated and changed from an 'H' form to a south-facing 'U' form.
- The panel suggests that the 'U' form could support a more prominent central pavilion, with two larger wings and a central garden space. This would make a more prominent feature of the central entrance and would also allow more generous garden spaces for residents.
- Considering residents will spend a significant amount of time in their bedrooms, the panel questions the 'H' form's high proportion of north-facing bedrooms, and how much sunlight will be provided. The panel encourages the team to revisit and improve the quality of accommodation.

### *Materials*

- As part of improving design quality, the panel encourages the applicant to invest in a good quality brick and in ensuring detailing, such as verges, is finished to a high quality.

- The panel also encourages the applicant to consider the use of a highperformance timber frames for windows, rather than uPVC, to help improve the quality of façades and sustainability of the materials.

### *Landscape design*

- Although the development has a high resident-to-open-space ratio, the panel is concerned that communal outdoor spaces have been designed in leftover spaces around the building. They are not integrated into the overall design approach, and there is a risk that they will not provide the quality of space that is so important for care home residents.
- The panel feels that a new form and block re-orientation would allow for a greater variety of communal outdoor spaces to be introduced for residents and their visitors.
- The panel encourages the applicant to work with the owner of the adjacent empty plot to explore incorporating the space into the overall plan to improve the size and quality of outdoor spaces. The panel encourages the team to involve a local landscape architect as an important step towards improving landscape quality.
- To improve the ability of residents to connect to the local area, the panel feels further thought should be given to deliver and incorporate a direct pedestrian link to the nearby bus stop on Hardy's Road.
- The panel asks if the existing bund, which offers protection from the A38, could be extended further around the site along Hardy's Road to provide further enclosure and protection for residents. The current fenced solution does not make a positive contribution to the setting.
- The panel also emphasises the need to reduce the overall amount of hardstanding and car parking within the scheme. The tarmacked parking area dominates the current proposal, and the panel asks for further thinking on how car parking provision can instead be integrated into the landscape.

### *Sustainability*

- The panel suggests the applicant reviews its sustainability strategy to ensure the scheme is designed to meet the ambitions of the forthcoming Future Homes and Buildings Standard.

### *Next steps*

- The panel encourages an ongoing dialogue between the applicant and the council about the best design solution for this site.
- The panel is available to review updated designs at a further chair's review, if required.