

## Officer Report on Planning Application 16/03944/FUL

<b>Site Address:</b>	Tyndale Nursing Home 36 Preston Road Yeovil
<b>Yeovil (West) Ward (SSDC Member)</b>	Cllr A Smith, Cllr W Read, Cllr J Clark
<b>Proposal :</b>	Proposed demolition of existing single storey rear extension and the erection of a 2/3 storey replacement extension with minor alterations and the removal of a Western red cedar tree with replacement tree planting
<b>Recommending Case Officer:</b>	Simon Fox Tel: 01935 462509 Email: simon.fox@southsomerset.gov.uk
<b>Target date</b>	15th December 2016
<b>Applicant : Agent:</b>	The Care Home Group Boon Brown Architects Motivo Alvington, Yeovil, BA20 2FG
<b>Application Type:</b>	Major Other f/space 1,000 sq.m or 1 ha+

### Reason for Referral and Report Update

The original deferral was made at the Development Manager's discretion in consultation with the Chairman, in line with the Council's Scheme of Delegation, due to the fact the views of the Town Council and local residents conflicted with the final recommendation of the Case Officer and there was a no call-in from elected Ward Members.

At the meeting of Area South Committee held 30th November 2016 the Case Officer verbally updated members on an additional representation received from the occupant of No.5 Willow Road.

It was also proposed to amend Condition 05 from:

*The two windows on the east elevation serving the dining and living room on the first floor shall be installed in a manner to ensure they are fixed units (not openable) and fitted with obscure glass to their lower halves as annotated on drawing no. 3666/05RevA and the stated windows shall be permanently retained and maintained in this fashion thereafter. Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.*

To:

*The four windows on the east elevation serving the dining/living room and servery on the first floor shall be installed/modified in a manner to ensure they are fixed units (not openable) and fitted with obscure glass to their lower halves. The end of corridor glazing at first floor level between Studios 20 and 21 shall be fitted with patterned/frosted glazing in accordance with details to be submitted to the Local Planning Authority prior to installation.*

*The stated windows/works shall be permanently retained and maintained in this fashion thereafter. The prescribed works shall be undertaken prior to the first occupation of the extension hereby approved. Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.*

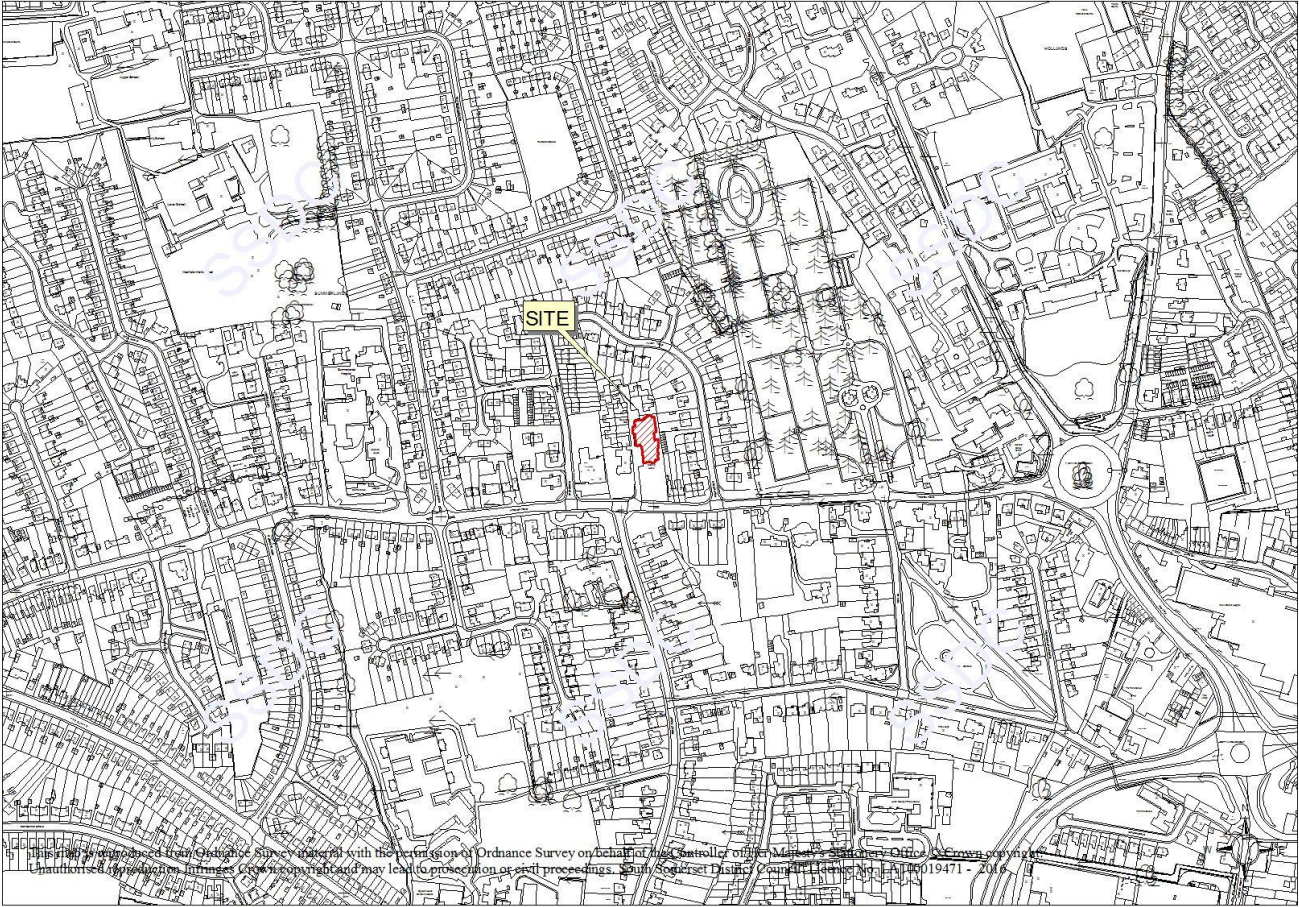
After the Case Officer presented his report Members resolved to undertake a site visit.

Arrangements have been made to undertake the visit prior to this committee meeting.

In the intervening period another representation has been received from the occupant of No.29 Willow Road. It refers to the fact Willow Road is already used for commuter parking and the development will bring rise to more parking in Willow Road by contractors initially and then visitors and staff.

The following report is unchanged from that presented on 30th November 2016 save for Condition 05.

**Site Description and Proposal**



The application site comprises two nursing homes, Latimer Lodge and Tyndale, plus 14 assisted living properties known as Coverdale Court.

The three entities are accessed off Preston Road to the south and share boundaries with bungalows at Willow Road to the north and east and with the former British Legion Club and properties on Legion Road to the west.

Latimer Lodge and Tyndale are located within the Conservation Area; there is one Willow tree subject to a tree preservation order at the site frontage and several within the grounds of Coverdale Court and along the western boundary. The Preservation Order was made in 1986 at the time Coverdale Court was developed.



The site benefits from two car parks at the site frontage to Preston Road either side of the vehicular access, and other spaces are available within Coverdale Court.

Latimer Lodge is currently undergoing renovation in order to accommodate 13 residents.

This planning application concerns Tyndale. The red brick two-storey property was originally built in 1902 as a family house before being converted into a nursing home in the mid-1980s. A single storey rear extension was added in the 1990s creating a facility for circa 20 elderly residents. The site closed in 2015 and was purchased by the applicant.

In order to provide accommodation of sufficient quality, and to modern day standards this application seeks to demolish the rear extension and erect a new two-storey extension with accommodation in the roofspace. The elevations show consideration for its host, incorporating 'Victorian style' materials of rich orange brickwork, half-timbered gable ends, vertical tile hanging, painted barge boards, terracotta ridge decorations and finals, sliding sash windows, exposed rafter tails, and brick dentil and string courses. A couple of gables utilise render rather than brick to break up the mass.

The proposal would facilitate the creation of 32 en-suite bedrooms with ancillary service rooms (dining, living rooms, salon, commercial kitchen etc). The plans indicate the removal of several small trees which lie outside the Conservation Area but also a large Western Red Cedar tree located on the southwest corner of the building located inside the Conservation Area. The proposal is to replace it with another tree.

The application clarifies that the use of the building would remain within its current C2 (Residential Institution) Use Class designation.

## **HISTORY**

History relating to Tyndale unless otherwise stated:

04/01640/FUL: The erection of an extension to provide an eight person lift to serve ground and first floor: Application permitted with conditions: 27/07/2004

96/02092/TPO: Application to remove sycamore shown as T11 in the Yeovil No2 TPO 1986: Permitted: 21/10/1996 (*located in Coverdale Court*)

96/01403/FUL: Erection of a two-storey extension to nursing home without compliance with Condition 03 of decision notice 951533 dated 02-08-1995 (i.e.: dormer windows at second floor on eastern slope of roof to be glazed with frosted glass): Application permitted with conditions: 06/08/1996

95/07477/FUL (951533): Alterations and erection of a two-storey extension to nursing home and installation of dormer window: Application permitted with conditions: 02/08/1995

88/00099/FUL: Conversion of veterinary surgery into residential home for the elderly with matrons flat the erection of 12 sheltered housing units, 2 disabled bungalows and a guest flat: Application permitted with conditions: 04/10/1989 (*This relates to Latimer Lodge and Coverdale Court*)

861161: The erection of an extension to residential home: Application permitted with conditions: 25/07/1986

831424: The use of dwellinghouse as a rest home for the elderly: Application permitted with conditions: 26/08/1983

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

### South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development  
SS1 - Settlement Hierarchy  
HG6 - Care Homes and Specialist Accommodation  
EQ2 - Design & General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure  
TA5 - Transport Impacts of New Development  
TA6 - Parking Standards

### National Guidance - National Planning Policy Framework:

In particular-

Chapter 1 - Building a Strong, Competitive Economy  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 12 - Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

### Yeovil Town Council:

*"Refuse on the following grounds:*

- Overdevelopment of site*
- Overbearing resulting in loss of light to neighbouring residents*
- Unacceptable impact on residential amenity including loss of privacy*
- Inadequate parking provision*
- The loss of a mature tree and adverse impact on street scene*
- Concern in respect of the visibility splay in the easterly direction".*

Upon receipt of a Daylight Assessment Report and amendments to windows on the east elevation the TC were re-consulted and comments received include:

*"The attached documents do not address the parking issues which were a key part of the discussion at the planning meeting. They do show significant growth in the number of beds and therefore one would assume significant additional staffing. The on-site parking still seems to be very limited.*

*The document showing shading of neighbouring gardens talks of the gardens still having 'adequate day light' and yet shows that at certain times of the year these gardens will be almost completely in shade.*

*I do not believe the attached documents address the concerns we discussed and I am not prepared to support this application".*

*"I am struggling to understand the changes/ alterations that the applicant has made, as they still do not address the issues raised at YTC, primarily this was overlooking due to mass/bulk of the building and inadequate parking to serve the added bedrooms etc?"*

### SSDC Conservation Officer:

*"The existing rear extension does not contribute positively to the character of the conservation area. In assessing the impact of the new proposal on the character of the designated area I need to take into account the views across to the site from the Cemetery, and views from within the main body of the conservation area to the south of the site.*

*The extension is huge. However it has been carefully considered and shows respect for the scale and massing of the late C19th buildings within the conservation area. The massing of the east facing elevation has been broken up by bringing some sections forward to form modest gables, which is largely successful. However, I do not think the furthest brick gable works well as it is very wide, and too dominant. I raised this at the pre-application stage, so it is disappointing to see it still included within the scheme. This element should be re-considered".*

### Highways Authority (Somerset CC):

Standing advice applies - in this case this refers to parking and the suitability of the access.

### SSDC Highways Consultant:

*"I recommend a parking assessment is undertaken to ensure that the overall on-site parking provision accords with the SPS optimum standards in light of the increase in bed accommodation. The means of access from Preston Road appears substandard in respect of*

*the extent of visibility in the easterly direction. The application represents an opportunity to improve visibility in this direction given the increase in traffic generation to and from the site. However, it is accepted that given the location of mature trees and the stone wall along the site frontage, such improvements may not be acceptable or possible for planning reasons".*

**SSDC Tree Officer:**

*"Western Red Cedar's are a long-lived, large-growing, evergreen species that were much favoured as ornamental planting during the Victorian/Edwardian period. Nowadays, they are a popular forestry tree commonly grown for the production of durable cladding timber.*

*They do require considerable un-compacted soil-volume in order to fulfil their normally vigorous growth potential. Unfortunately, the tree at Tyndale Nursing Home has historically been restricted by a restricted, poor quality below-ground environment - which may explain why it has remained rather a poor specimen.*

*The proposed American Sweetgum replacement is a long-lived, attractive species that is particularly renowned for robust health and colourful Autumnal display. Furthermore, it should co-exist sustainably in close proximity to the Nursing Home and being deciduous, would allow improved daylight availability to the Nursing Home during the dark days of Winter.*

*I have no objections to the proposal" [condition proposed for new planting].*

**SSDC Ecologist:**

*"I've considered this application, including the bat survey report, and I don't have any comments nor recommendations to make".*

**SSDC Environmental Protection:**

No comments to make.

**REPRESENTATIONS**

20 neighbouring properties/premises to the site have been notified and a site notice has been displayed.

In response 9 letters of objection have been received from residents of Coverdale Court and Willow Road. A summary of comments:

- The development is not in-keeping and overwhelms.
- The development will reduce the visible skyline.
- The development will degrade the communal garden within Coverdale Court.
- The development does not match the architecture of the original house, render in not-in-keeping.
- The development will block light to Coverdale Court and Willow Road properties.
- The development will result in a loss of privacy to Coverdale Court and Willow Road properties by overlooking.
- Parking on site has been at a premium during works at Latimer Lodge; there is not enough parking; Willow Road is accommodating overflow and town centre worker parking.
- The development will cause light pollution.
- Noise from residents has in the past caused issues.
- Staff will not use public transport or walk.
- Concern over noise and disturbance during construction works.
- Properties on the east side of Willow Road have not been notified on this application.
- Value of neighbouring property will be affected.

**CONSIDERATIONS**

The proposal raises several matters that will be considered in turn:

### Principle of Development

Policy SD1 proactively promotes Sustainable Development that improves the social conditions within the District and where necessary the Council will work with applicants to improve proposals so they are capable of being approved. The proposal aims to provide additional quality accommodation to support an ageing population in Yeovil and the district.

This application does not provide 'housing' that is attributable to the 15,950 total dwellings that the Local Plan sets out to deliver. However the provision of Care Homes and Specialist Accommodation to meet local need has informed the formulation of that figure.

Yeovil is a Strategically Significant Town as defined by Policy SS1 and is therefore the focus for development in South Somerset. The site is already well established as a nursing home in an area already prevalent with such accommodation. Policy HG6 specifically sets out the Council's approach to Care Homes and Specialist Accommodation. Proposal for such that meet a need will be supported. The use falls within Use Class C2 and so no 'affordable housing' is required.

The Council is now in receipt of the Strategic Market Housing Assessment 2016. The data shows that South Somerset (in line with other areas) is expected to see a notable increase in the older person population with the total number of people aged 65 and over expected to increase by 57% over the next 25-years.

At present (according to Housing Learning and Improvement Network) there are around 5,700 spaces in nursing and residential care homes in Somerset of which 1,487 are in South Somerset. The SHMA suggests 51 bedspaces are needed per annum in South Somerset up to 2039. The development of specialised accommodation can free up properties across the district aiding supply. It is considered that there is sufficient evidence of need, this is a well-established site, in the right place, and a project has been identified and there appears to be a commitment to provide it sooner rather than later.

As such it is considered the proposal complies with policies SS1, SD1 and HG6 of the Local Plan.

### Design, Layout and Impact of Heritage Assets

The existing rear single-storey extension is of no value and in order to provide accommodation of sufficient quality, and to modern day standards this application seeks to demolish the rear extension and erect a new two-storey extension with accommodation in the roofspace.

In terms of layout the footprint is more-or-less identical design and the elevations show consideration for its host, incorporating 'Victorian style' materials of rich orange brickwork, half-timbered gable ends, vertical tile hanging, painted barge boards, terracotta ridge decorations and finials, sliding sash windows, exposed rafter tails, and brick dentil and string courses. A couple of gables utilise render rather than brick to break up the mass. The specific colours and manufactures of all the materials will be agreed via samples via a planning condition. Consideration has been made to the neighbouring properties by profiling the eastern elevation rather than butt the extension right up against the boundary wall and also with regard to roof height. The ridge of the extension sits approx. 1.5m under that of the existing retained original main part and is only 3.5m above the extension to be demolished and 2.5m above the existing closest unit of Coverdale Court. The extension is 6.5m longer at its northern extent. Nonetheless it is a sizeable extension. In such a situation you assess how the mass and bulk has been broken up by form and materials to aid disguise, provide visual interest and respond to its context, both in terms of the retained original main part but also neighbouring properties. Design is subjective but it is considered this is complementary

and this is a view shared by the Conservation Officer, save for one detail which was subsequently amended. The site is already densely developed, not that you read that from outside the site, and whilst this extension will be apparent from further afield to the east due to topography it is not seen to visually jar with its context.

Matters concerning residential amenity and parking are considered elsewhere but the site retains reasonable amenity areas at the site frontage which are screened from public view by mature landscaping and so it is felt the proposal is acceptable on the basis of design and layout.

The wider site does lie partly inside the Conservation Area, a Heritage Asset, the retained original main part is within but the existing rear extension is outside. This gives further indication as to the apparent (lack of) quality of that addition. For the reasons above it is not considered that any demonstrable harm would result to heritage assets that would warrant withholding planning permission. A view shared by the Conservation Officer.

As such it is considered the proposal complies with policies EQ2 and EQ3 of the Local Plan.

#### Residential Amenity

Yeovil Town Council reiterates concerns raised by residents of Willow Road concerning perceived impact of the development on residential amenity. In this regard this refers to overshadowing and overlooking.

In terms of overlooking the primary elevation to assess is the east facing side. The area where the extension is proposed adjoins Nos 7, 9 and 11 Willow Road and the proposal is such that the development is higher than those bungalows. Those properties are at least 22m from the retaining wall boundary with Tyndale. In the case of Nos 7 and 9 there is a garage court in-between.

At first floor level there are five windows that could conceivably view properties at Willow Road. Two serve a dining and living area, one serves a stairwell and two serve care studios (bedrooms). In the case of the first two they are 26m distant from Nos 7 and 9. In the case of the other three which are located within a recessed part of the extension they are 33m away from Nos 7 and 9 and 31m from No11. These distances are all in exceedance of guidelines that attribute a desirable distance of 21m from habitable window to habitable window. However the applicant has responded to the concerns raised by neighbours and has offered to alter the first two windows serving the dining and living area by fixing the casements and obscure glazing the lower sections.

In terms of visual dominance and overshadowing the building is set some 26-33m away from the nearest properties. Although set on higher ground it is considered that this level of separation is in excess of many other situations whether involving natural landforms, vegetation or built structure. During the course of the application the applicant has submitted a Shadow Assessment. The key conclusion is that whilst some gardens to properties on the west side of Willow Road may be cast a shadow earlier in the day during certain times of the year, the impact does not extend to those areas immediately to the rear of the properties, say where they may be a patio or conservatory, or any habitable rooms.

As such whilst the perception may persist that the proposal will result in a deterioration of residential amenity it is difficult to identify sufficient demonstrable harm that would warrant withholding planning permission.

As such it is considered the proposal complies with the NPPF and policy EQ2 of the Local Plan.



### Highways

A number of comments from local residents and the Town Council relate to parking. Any assessment of parking cannot take into account abnormal events such as the (temporary) refurbishment of Latimer Lodge when many more trade vehicles are brought to site, nor does policy require you to.

Based on the proposal the increase of bed spaces is 10. The SCC Parking Standards (and therefore Local Plan policy TA6) request 1 parking space per 13 bedrooms, so the uplift in bedroom numbers doesn't require an additional space.

Notwithstanding this, the total number of bed spaces proposed by this development is 32. According to the SCC standards three parking spaces would be acceptable. The proposal comprises 11 spaces allocated to Tyndale in total. It is considered that the levels of parking, whilst exceeding policy requirements by three times, are appropriate for the development given the comments made.

In terms of the comments of the Town Council which reflect those of the SSDC Highways regarding the access it is noted that this is located within the Conservation Area and in very close proximity to substantial, mature and protected trees (given their siting within the Conservation Area). It is felt that given the marginal increase in bed spaces and parking spaces that the increase in traffic movements would be negligible. In order to secure compliance with visibility requirements the removal of the trees and the natural stone retaining wall to create an engineered highways access solution would be far more harmful to the setting and Conservation Area than the current situation.

It is considered the proposal complies with policies TA5 and TA6 of the Local Plan plus the SCC Parking Strategy.

### Trees and Ecology

The plans indicate the removal of several small trees which lie outside the Conservation Area but also a large Western Red Cedar tree located on the southwest corner of the building located inside the Conservation Area. It is suggested that this tree is causing some concern with regards to the structure and is now too large for its context. Irrespective of whether this development goes ahead or not it is requested that the tree be felled. It is not protected individually only by its location in the Conservation Area. This application offers the opportunity to replace it with another tree. The applicant has suggested a 'Liquidambar Styraciflua'. The loss of the tree has been accepted by the Council's Tree Officer and the replacement plus its specification is as advised by the Tree Officer. Given the context, in that the site, particularly the frontage is well treed and given the structural issues it is felt a replacement is the best way forward.

It is considered the proposal complies with policy EQ5 of the Local Plan.

### Ecology

The application is supported by a Building Assessment and Bat Survey. The report sought to assess the potential for the building to support roosting bats and/or nesting birds. An emergence survey was also undertaken.

The report concludes there are no roosts but that bats forage in the area. Suitable pre-demolition advice is given and mitigation and enhancement recommendations are made. These matters will be secured by condition. SSDC's Ecologist has not raised any issues.

It is considered the proposal complies with policy EQ4 of the Local Plan.

## Conclusion

The concerns of local residents are acknowledged. It is considered however that whilst the outlook from some properties will change it has been concluded after assessment that demonstrable harm would not result that would warrant withholding planning permission, given the merits of the scheme and the need it fulfils.

## **SECTION 106 PLANNING OBLIGATION**

There are no requirements to secure any mitigation or planning obligations via Section 106 of the Act.

## **RECOMMENDATION:**

### **Grant planning permission for the following reason:**

01. Notwithstanding the objections raised the proposal seeks a well-designed extension to a building of some historic interest safeguards the setting of the adjacent Conservation Area and does not cause demonstrable harm to residential amenity or highway safety in accordance with the National Planning Policy Framework, the Somerset County Council Parking Strategy and policies SD1, SS1, HG6, EQ2, EQ3, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - a) Site Location Plan, Drawing No. 3666/08
  - b) Proposed Site Plan, Drawing No. 3666/07 Rev A
  - c) Proposed Basement and Ground Floor Plan, Drawing No. 3666/04 RevA
  - d) Proposed First Floor Plan, Drawing No. 3666/05 RevA
  - e) Proposed Second Floor Plan, Drawing No. 3666/06 RevA
  - f) Proposed Elevations, Drawing No. 3666/09
  - g) Proposed Elevations, Drawing No. 3666/10 RevA
  - h) Proposed Site Sections, Drawing No. 3666/11
  - i) Proposed External Materials, Drawing No. 3666/12Reason: For the avoidance of doubt and in the interests of proper planning.
03. The development hereby approved shall not be used other than for those activities which fall within the definition of a Residential Institution (Use Class C2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
Reason: Any change would require the Local Planning Authority to reassess parking, planning obligations and residential amenity issues to accord with policies EQ2 and TA6 of the South Somerset Local Plan.
04. Save for demolition, no works shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:
  - a) specific materials to be used for the external walls and roofs:
  - b) materials to be used for rainwater goods and window dressings (lintels, cills);
  - c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses:

- d) details of eaves/verges;
- e) location and design details of all vents, flues and meter boxes; and
- g) the specific surfacing materials of all areas of hardstanding, incl. driveways.

Once agreed the scheme shall be carried out in accordance with those details unless further agreement is reached with the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 and EQ3 of the South Somerset Local Plan.

05. The four windows on the east elevation serving the dining/living room and servery on the first floor shall be installed/modified in a manner to ensure they are fixed units (not openable) and fitted with obscure glass to their lower halves. The end of corridor glazing at first floor level between Studios 20 and 21 shall be fitted with patterned/frosted glazing in accordance with details to be submitted to the Local Planning Authority prior to installation.  
The stated windows/works shall be permanently retained and maintained in this fashion thereafter. The prescribed works shall be undertaken prior to the first occupation of the extension hereby approved.  
Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.
06. Prior to installation of any external additional external lighting, the details of such be submitted to and approved in writing by the Local Planning Authority. Such lighting where necessary shall include appropriate mitigation in terms of shrouding/direction and detail how it preserves bat foraging corridors.  
Reason: In the interests of visual amenity to accord with policy EQ2, EQ3 and EQ4 of the South Somerset Local Plan.
07. The development (particularly including any site clearance) shall not commence until a 'Biodiversity Enhancement Plan' has been submitted to, and approved in writing by the Local Planning Authority. The plan shall include details of measures for the enhancement of biodiversity. The agreed plan shall be implemented in full within 12 months from the commencement of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: For the protection and conservation of protected and 'priority species' in accordance policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010, and for the enhancement of biodiversity in accordance with the NPPF.
08. Prior to the felling of any tree within the Conservation Area a scheme of compensatory planting shall have been submitted to and approved by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following receipt of the written approval by the Local Planning Authority, and any trees which within a period of ten years from having been planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
Reason: To integrate the development into its environs and build on local character to comply with policies EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan.

#### **Informatives:**

01. With regard to Condition 08 the applicant is advised that such a scheme shall include locations, numbers of individual species, sizes at the time of planting and whether container-grown or cell-grown. The installation details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme.