



JOINT AREA COMMITTEES IN SOUTH SOMERSET

Officer Report on Planning Application

09/00128/FUL
(Excepted Business)

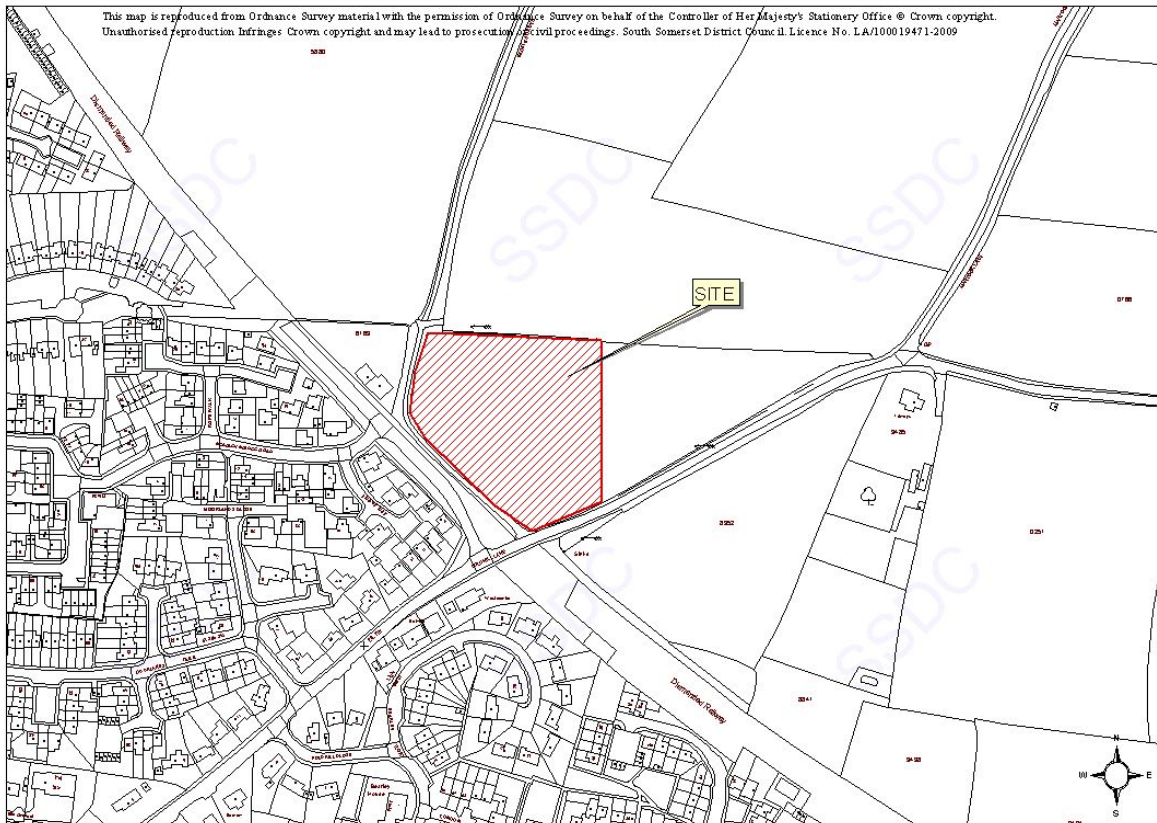


Proposal :	The erection of a specialist dementia care home, together with associated vehicular and pedestrian access and landscaping (GR 346746/119597)
Site Address:	Land OS 7559 Foldhill Lane Martock
Parish:	Martock
Ward : (SSDC Member)	MARTOCK Ann Campbell (Cllr), Patrick Palmer (Cllr)
Division (SCC Member)	MARTOCK John Bailey (Cllr)
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	29th May 2009
Applicant :	Notaro Homes Ltd
Agent:	Mr P Grubb WYG Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Joint Area North Committee at the request of the Ward Members to enable consideration be given to the planning issues raised.

SITE DESCRIPTION



The site is located on the northern side of Foldhill Lane, on the eastern side of Martock. The site is currently an undeveloped grassed field with an agricultural building located towards the southern corner. A vehicular access exists in the southern corner off Foldhill Lane, with a track bordering the site along the south west and west boundaries. Hedgerows bound the south west, west, north and south east boundaries. The eastern boundary of the application site is not currently defined by any physical feature on the ground.

The site is located to the north east of residential properties, the closest being Bridge Rise, Bearley Road and Bearley Bridge Road. Other than outbuildings in the field to the north west, the rest of the application site adjoins open fields. A public footpath runs along the complete length of the northern boundary and links with other public footpaths providing access to the town and countryside.

PROPOSAL

This application seeks consent for the erection of a specialist dementia and Elderly Mentally Infirm (EMI) care home. The aim of the facility is to serve Martock and Bower Hinton and surrounding communities. The unit will provide 52 bed spaces (all en suite), along with lounge and communal areas. There will also be a manager's and staff rooms along with a commercial kitchen, laundry, store and plant rooms.

The proposal will also provide new pedestrian and vehicular access, along with 35 car parking spaces and cycling parking provision. The parking area will be located at the front of the building with garden areas along the north west, west and northern parts of the site. A full landscape scheme has also been submitted with the application along with a Design and Access Statement, a needs survey report and a sequential test.

The home will be formed of 3 separate blocks linked by glazed walkways. The development will contain a mix of one and two storey elements and be constructed using a mix of brick, render, standing metal roofing and sedum blankets green roofs. Details of the 3 proposed blocks will be outlined below.

Block 1 will be located along part of and parallel to the south west boundary. This will be a 2 storey building measuring 36 metres x 8.6 metres with a maximum ridge height of 8.5 metres. This block will contain 6 bedrooms, an assisted bathroom and a staff room. A glazed link will extend from the north end linking with block 2.

Block 2 will measure 52 metres x 24 metres with a maximum ridge height of 8.7 metres. This block will provide 24 bedrooms, an assisted bathroom, along with a central lounge and dining areas. This central space would have a higher storey height than the adjacent bedrooms by extending the roof over the bedrooms above and over the communal space, with rooflights providing light into these communal areas.

Block 3 will measure 48 metres x 24 metres with a maximum ridge height of 8.5 metres. This block will provide 22 bedrooms, an assisted bathroom, staff/ancillary rooms and a central lounge and dining areas. As with block 2, the height of the lounge/dining areas will be raised above the height of the bedrooms to provide a spacious and light environment for residents.

As part of the drainage proposals, an attenuation pond will be located to the rear of the site.

HISTORY

07/01176/FUL - Erection of a church building (approved June 2007).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)

STR1 - Sustainable Development
STR6 - Development outside Towns, Rural Centres and Villages.
Policy 19 - Employment and Community Provision in Rural Areas.
Policy 49 - Transport Requirements of New Development.

South Somerset Local Plan (adopted April 2006)

ST5 - General Principles of Development
ST6 - Quality of Development
EC3 - Landscape character
TP1 - New development and pedestrian provision.
TP6 - Non residential parking provision.

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008)

VIS1 (Expressing the Vision)
VIS2 (Principles for Future Development)
EN4 (Quality in the Built Environment)

PPS's/PPG's

PPS1 - Delivering Sustainable Development
PPS 7 - Sustainable Development in the Countryside.

South Somerset Sustainable Community Strategy

Goal 1 Safe and Inclusive communities.
Goal 8 Quality Development
Goal 9 Homes

CONSULTATIONS

Parish Council (original comments)
The Parish Council recommends refusal of this application.

Parish Council: An amended observation was later submitted by the PC - 'The Parish Council is not prepared to consider any application outside the planning line prior to the publication of the LDF unless there was a proven local need'.

Local Highway Authority (Original comments):

It is noted that the site is located outside of the development boundaries for Martock and as such under normal circumstances development would not be permitted in this location. However, a previous planning application, for the creation of a church building (07/01176/FUL), was permitted on this site and as such it appears that the principle of development has been established.

In detail, the proposal is seeking to gain access directly off Foldhill Lane at a point where the speed of passing traffic is restricted to 30mph. As a consequence, the Highway Authority at the point of access would wish to see no obstruction to visibility greater than 900mm above the adjoining road level for a distance of 90.0m to the nearside carriageway edge in both directions. From the submitted plan the Highway Authority are satisfied that adequate visibility can be achieved for emerging vehicles to the southwest. However, there are concerns regarding the level of visibility achieved to the northeast. Whilst the proposal has shown the recommended visibility splays to the nearside carriageway edge in this direction it appears that this has resulted in the crossing of third party land outside of the control of the applicant. As a consequence, this visibility cannot be permanently secured.

According to the Somerset County Council Local Transport Plan Parking Strategy a development of this use class and scale should be provided with a level in accordance with the following maximum standard:

1 space per 4 bedrooms + 1 space per 2 members of FTE staff.

When this standard is applied the maximum car parking provision to serve the proposal should be thirty-four spaces plus four designated as disabled. Having reviewed the submitted plan the proposal seeks to provide twenty-nine spaces plus six designated as disabled within the curtilage of the site. Given the above the Highway Authority are satisfied that the proposal has provided a sufficient level of parking.

Given the location of the site on the eastern side of the village the general movement of pedestrians wishing to access the development will be from the west. Whilst there is a continuous network of footways in the surrounding area, at present, there is not a crossing facility to assist pedestrians in crossing Bearley Bridge Road. As the proposal is likely to lead to a significant increase in the level of pedestrian movement at this point in the interests of highway safety the Highway Authority would wish to see the implementation of a drop kerb crossing facility.

As a result, whilst the Highway Authority are satisfied with the majority of the detail aspects of the proposal in terms of parking and turning arrangements the concerns regarding the level of visibility achieved to the north east is significant. As a result, unless this concern can be overcome and the necessary visibility splay provided within land in the applicant's control I would have no alternative but to recommend that the application be refused on highway grounds. A reason for refusal is given.

Highway Authority - (revised comments following submission of amended visibility plans):

As I am sure you are aware the Highway Authority in the initial response to the planning application raised concerns regarding the level of visibility that could be achieved to the north east. It appeared that the applicant did not have control or ownership of sufficient land to enable the required visibility splays to be provided. In response to the Highway Authority's comments an amended plan has been submitted clearly indicating that the applicant does in fact own the adjoining land to the north east of the proposed development and as such this

visibility can be conditioned and permanently secured. As a result, I would advise you that from a highway point of view there is no objection to the proposal.

Officer comment. The Highway Authority recommend 8 conditions - these have been included within the proposed conditions.

Other

Planning Policy (original comments)

This letter forms the Planning Policy response to the planning application consultation for the proposed erection of a specialist Dementia Care Home, Martock. It is understood that the proposal would create 52 specialist dementia rooms with en suite facilities on the edge of Martock to serve the local community (this is regarded by the study as within a 5 mile radius).

The proposal site is located outside but adjacent the defined development area of Martock and is consequently subject to policy ST3 of the Local Plan. As such new development is strictly control, unless it can be demonstrated to benefit economic activities, enhances the environment and establish that it does not foster the need to travel. Policies ST5 and EC3 provide additional clarification on transport and landscape expectations.

This response also considers the accompanying 'Needs Assessment Report' by Pinders and the Sequential Approach applied in the Design & Access Statement.

Economic Activity

Economic benefits will form principally the generation of 42 full time jobs in Martock as well as trade to numerous supporting services. In reviewing the design and access statement I am satisfied that the evidence supplied with the Planning Application demonstrates an economically viable project to the benefit of the local community.

Environment

Policy EC3 requires proposals outside the development area that are otherwise acceptable to be permitted provided that they do not cause unacceptable harm to the distinctive character and quality of the local landscape. In this instance the opinion of the landscape architect should be sought when establishing the impact of the proposal on the landscape character of Martocks hinterland.

Need to Travel

Policy ST5 promotes a pattern of development in South Somerset that; reduces the need to travel, minimises the length of journeys and provides accessibility by a choice of means of transport. A working care home will undoubtedly generate a significant number of journeys when considering the commuter trips associated with 42 members of staff and the visitors for up to 52 residents.

The proposal site is located approximately 450 meters from the main shopping parade and bus network. This is considered a reasonable distance for employees to travel to reach the community transport network. Concerns are however raised on the number of commuter trips generated on the edge Martock, accordingly a highways view should be sought.

The County Wide Care Parking Strategy (March 2006) states that a maximum of one car parking space per 4 beds and one car parking space per 2 staff should be provided for a nursing home. In this instance, this equates to a requirement for 34 spaces. The planning application however proposes the formation of 41 car parking spaces (35 standard spaces and 6 disability spaces). An objection is therefore raised, as the application proposes an additional 7 spaces above the County wide maximum standards.

Service Need

The application is accompanied with a 'Needs Assessment Report' that seeks to justify the 'need' for a care home in Martock with specialist dementia care facilities. The report satisfactorily provides statistics on estimated dementia patients requiring care in South Somerset and the specific catchments area around Martock.

The report however fails to adequately justify the selection of the Martock area for a residential care home over other areas in the district. The proposed 5-mile catchments area and the need for 52 bed spaces are similarly unjustified, as opposed to a smaller scale development. Although it is understood that proposals of 25 beds or fewer have viability issues.

With these issues currently unresolved or satisfactorily explained I consider the application fails to suitably justify the 'need' for a 52-bed nursing home on the edge of Martock.

Sequential Approach

The submitted design and access statement suggests a 'sequential approach' to site selection. Although this approach is welcomed, I consider the presented 'sequential approach' fails to review sites in a robust manner. The outlined approach dismisses all sites within the Development Boundary of Martock on the basis that they are too small to accompany a nursing home. This dismissive approach is not welcomed and it is instead suggested that there are possibly 2-3 sites that are capable of accommodating a nursing home. Although it is recognised that these may contain other planning constraints, they should at least be adequately explored.

Similarly concerns are raised about the site assessment used on sites identified on the edge of Martock. In all, five sites were identified and briefly reviewed. These appraisals are however limited in depth and fail to adequately assess site size, availability or access to services to determine suitability.

Finally, considering the proposed 5-mile catchment area it is unexplained as to why sites outside Martock have not been reviewed. Other sustainable locations on the edge of Yeovil, Ilchester, Chard and South Petherton have not been suitably considered. It is therefore not accepted that there are no other more suitable sites within Martock or other settlements in the proposed catchment area.

CONCLUSION

As a justification for the 'need' of the proposal is not satisfactorily made nor is the attached 'Sequential Test' considered suitably robust, objections are raised on planning policy grounds.

Planning Policy (comments following submission of updated Sequential Appraisal:

In the previous Planning Policy response to this application objections were raised concerning the justification of 'need' of the proposal and the robustness of the 'sequential appraisal' used in identifying the development site.

The updated Sequential Appraisal now provides additional information concerning financial viability linked to the size of the development as well as justifying the catchment area. Previous objections on these matters are now considered resolved.

The updated Sequential Appraisal has also gone some way towards addressing the deficiencies in the presented Sequential Approach. The sections on 'Process', 'PPS6 and

Alternative Site Review' and 'Sequential Approach' adequately set out the proposed sequential process. The site appraisal for the application site and for two alternatives sites that were previous Local Plan allocations (old gas works & land west of ringwell hill) are also considered good. However, objections are still raised concerning the level of detail used to appraise the remaining identified sites listed as 'urban capacity study' sites and 'local plan submissions'. In both cases the detail provided is far lower than the three sites previously mentioned. With specific reference to the local plan submissions. These sites should not be ruled out of the process because they have failed not to be allocated in the Local Plan, this is not a robust approach. It is also note that a previously promoted 'key site' to the east of Martock has not been reviewed. In summary there is a requirement to assess each site identified in the 'Sequential Approach' to the same level of detail as the 'site appraisal' completed for the application site. Without this information, a fair appraisal of the application is not possible.

Officer comment:

Following submission of a further revised sequential test report, the policy officer was satisfied with the report and withdrew the objection.

Landscape Architect:

I have reviewed the site proposals, and am familiar with the site. I am also aware that a planning consent was granted for a church on this site (application 07/01176) albeit on a much reduced footprint and as an exception site.

The proposal is for 3 buildings, 2 of which are of substantial scale, with associated hardstanding. Its location lays to the east side of the town, separated from residential development by Bearley Bridge Road, which is also the former alignment of the dismantled rail line. It is of note that the rail-line currently demarcates a clear edge to the town's development, both in plan form, and on the ground by robust hedgerows supplementing this linear corridor. Other than the short length (approx 20%) of the application site boundary that abutts this edge, the site obtrudes awkwardly into the landscape pattern of open rectilinear fields, and has no credible relationship with the urban edge. The proposal also extends over ground that for most part lays above the level of the town's core, thereby placing it in a dominant relationship to the town, and would be viewed as a skyline feature and apart from an urban context from housing in the adjacent southwest quadrant.

These sensitivities are reflected by the outcomes of the Martock peripheral landscape study, which notes that the application site is graded as having a low capacity to accommodate development. That same study also indicates areas of land on the town's periphery that would be more suited for development, with the implication that a sequential test has the potential to reveal a more suitable site than the proposal offered. Consequently, I believe there are clear grounds with which to base a landscape objection, policies ST5 para 4 and EC3, due to the adverse landscape impact of the proposal.

Officer comment:

The agent submitted a response to the Landscape officer's comments. This will be explored in the considerations part of the report. The landscape Architect's response is outlined below:

1) Draft local plan allocation: The proximity of the site to an earlier proposed allocation is cited as good reason for the home proposal to proceed, particularly as that allocation was noted to have a good landscape relationship to the town. However; a) this proposal site lays outside and above the proposed built allocation of the former key site, and b) the allocation was dropped from the plan, thus there is no prospect of a built context to which this proposal could relate.

2) Previous consent for a church: This earlier consent stated a special need for the church, and demonstrated no alternative site to be available, which was accepted by DC. The landscape response was subsequently given on that understanding. In this instance, if the case for a dementia home is accepted, and a sequential test demonstrates no other site, then I accept that landscape concerns will then be targetted on mitigation. However, at the time of my consultation response, neither case nor test was accepted, hence landscape grounds for objection were valid.

3) Design: The case is made that the design is low impact. However, this does not resolve the poor relationship with the town's edge.

4) Landscape treatment: The case is made that a full landscape scheme is provided. The landscape proposal is of course welcome, but does not resolve the poor relationship with the town's edge.

5) Landscape designation: This point refers to the land being non-designated. Local landscape designations have long vanished from the local plan, and sites are now assessed through an understanding of landscape character.

6) Peripheral study: It is suggested that there is some contradiction between this study, and an earlier assessment of the now discounted 'Martock key site'. That is entirely possible, for they are two very different studies, with differing objectives. The peripheral study is the more appropriate evidence base in this instance.

7) Sequential test: I note this is now submitted, and I await Policy's view on its sufficiency. If you are advised that it fulfills all requirements, and you are satisfied that the case is made, then I accept that this is effectively being viewed as an exception site with no credible alternative sites, and as stated in 2) above, I will review impact in terms of mitigation . However, I note that the test makes reference to a number of sites submitted at the time of the local plan inquiry - for example land north of Hill's Lane - but it does not appear that these were investigated by the test, nor was any of the former key site allocation that lays immediately alongside the town's east edge. Such areas are better related to the town in landscape terms, do you believe they should/could have been included in the sequential test? If so, then can we regard the test as complete?

Somerset County Council - Team Manager for Adult Social Care:

The case officer discussed this application with Mr Jon Goodwin, Team Manager, for Adult Social Care. He advised that there is a need for the dementia care home facility in this area.

Environment Agency (EA):

The EA originally objected to the development as the original Flood Risk Assessment as it lacked certain information regarding surface water drainage. Following submission of a revised Flood Risk Assessment, the EA has withdrawn its objection and recommend 3 conditions along with informatives, in relation to flood risk and surface water management, pollution prevention and water efficiency.

Environmental Health Officer

No observations to make on this application.

County Rights of Way:

No objections.

REPRESENTATIONS

The application was advertised, a site notice displayed and local residents notified. 16 letters have been received in total raising the following objections:

- Outside development boundary
- Harmful intrusion into countryside
- Foldhill Lane is narrow and winding - not suitable for additional traffic
- Conflict with additional traffic and pedestrians, cyclists and horse riders
- No benefit to local businesses.
- Will not provide employment to local people
- Local services/facilities will not be able to cope
- Need to control light from development
- Insufficient parking provision
- Concern about flooding and water runoff particularly into East Street
- Materials do not blend in with adjacent homes.
- Proposed home will be remote from specialist support services based in Yeovil.
- Inappropriate design
- Biased sequential test.

Officer comment:

The agent forwarded the following response to the concerns raised:

1. Concern that the proposal will destroy the greenbelt around Martock

The land around Martock is not designated as a greenbelt (as defined by PPG2) and therefore 'greenbelt' policies do not apply to the proposed development. In fact, the site and surrounding land was previously allocated for substantial residential development and following this, development was permitted (but not implemented) on the site in 2006.

2. The site is outside of the Development Limits

While there is a planning policy presumption against building open market dwellings (use class C3) outside of the defined development limits unless the land is specially allocated, the proposal is for a care home, which falls under a different use class, C2 (residential institutions). Local Plan policy ST3 states that outside of development limits "development will be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel." The applicant sets out how the proposal complies with this key policy within the Planning, Design & Access Statement; consultation responses from the County Council and SSDC Policy confirm that the proposal will benefit economic activity, is much needed, is proposed on the most sequentially preferable site and is accessible by sustainable transport modes. It is therefore agreed that the proposal complies with the Development Plan.

3. The access is unsuitable, there is insufficient parking and Foldhill Lane cannot take an increase in traffic.

The applicants engaged the Highways Authority at the pre-application stage to agree an appropriate access, an appropriate level of car parking and the principle of the development. The applicants have continued to work with the Highways Authority and since submitting the application the Highways Authority has written to confirm that it is satisfied that the access would be safe in terms of its technical specifications (particularly in respect of visibility splays) that there would be a sufficient level of parking and that the proposal would not have an undue adverse impact upon Foldhill Lane. Conversely, there is no evidence to support these local representations. On the basis of the technical evidence provided and the support given by the HA, the proposal is considered acceptable in these respects.

4. The new proposal will exacerbate rainwater run off from the site

It is first important to note that the site is in flood zone 1 (least likely to flood). In any case, the applicants engaged the Environment Agency at the pre-application stage to ensure that 'flood risk' and 'drainage' were dealt with effectively. As part of the proposal the applicant submitted a 'Flood Risk Assessment' which demonstrates that the proposal would not increase the risk of flooding. The applicant also submitted plans and detailed specifications for a proposed 'Sustainable Urban Drainage' system; this is essentially an attenuation pond which will hold run off on site and release it slowly to ensure that run off rates will remain at green field rates. This has also been agreed with the Environment Agency which now supports the proposal.

5. The site is in a slightly elevated position

We would assume this concern relates to potential 'landscape impact'. The applicants have submitted both a soft and hard landscaping plan and a report explaining that the proposal will have a neutral impact on the landscape. We would stress that development has recently been permitted on this site on the basis that it would not cause an impact on the landscape and the site was previously allocated for a substantial residential development, including a new link road. To support the allocation, the Council undertook a landscape appraisal which concluded that significant residential development and a new link road on the site would have a neutral impact on the landscape. The proposal is of a much smaller scale and incorporates innovative design features such as 'green roofs' to reduce impact even further.

6. Concern the land will be lost forever to the people of Martock

Aside from a public footpath to the north, the site is and always has been within private ownership and is not accessible to the local community. The proposed development will retain the public footpath and provide a local facility for the community which is much needed. It is therefore considered that this will be a positive step for the local community.

7. Concern that it will not create local employment

The proposal will create approximately 42 full time jobs. These will include a whole range of different jobs requiring different skills, all of which will be accessible to the local community. The Council's Planning Policy department responded by stating "the planning application demonstrates that it is an economically viable project to the benefit of the local community". As well as 42 full time jobs there will of course be additional spin-off benefits particularly for local trades and suppliers and other supporting services, including construction jobs for the building process in the short term.

8. The proposal is remote from specialist services needed to support the home

The proposal is located on the edge of Martock adjoining the settlement limits and is within easy walking distance of the centre of the village where there are sufficient facilities to support the proposal (particularly considering that there would also be a large number of facilities for residents already on site).

9. There are no public transport services

Martock is well served by public transport and there is a bus service very close to the site. In fact, the bus route runs past the entrance to the site. The proposal is therefore highly accessible by public transport, a fact which is agreed and accepted by the Highways Authority and the Council's Planning Policy department. The site is also highly accessible by foot and bicycle.

10. The proposal will impose unreasonable pressure on the local GP Practice

The majority of the future residents will already be living locally (the catchment area of the proposal is only five miles around Martock) and as such the majority of residents will already be using the GP surgery. The proposal will offer significant onsite care and is therefore likely to reduce the pressure of the local GP's surgery.

11. The proposed development would set a dangerous precedent. Policy ST3 supports development outside defined development limits provided it meets certain criteria (above). This policy ensures that only development that is justified should be granted planning permission. Any other such proposals outside development limits would also need to prove that they were 'justified' and as such would be treated on their own merits. If approved, the proposal would not represent a 'precedent' that could be used by other developers because each proposal will be considered on its own merits.

CONSIDERATIONS

The main considerations with regard to this proposal are the need for the development, availability/suitability of other sites within and adjacent to Martock, highway and parking issues, design and materials and flooding/drainage issues.

Need for the Development

The application has been supported by a 44 page Needs Assessment Report prepared by Pinders Professional and Consultancy Services Ltd. Part of their work is to advise the healthcare industry in respect of residential care and nursing homes for the elderly. This is a very detailed report and states the elderly population of South Somerset both over 65 and 85 and those with some form of dementia and those predicted with dementia by 2017.

The key figures from the report are that there are 883 persons over 85 years with some form of dementia in South Somerset with a prediction of 1,196 persons by 2017. There are currently 1,403 bed spaces within South Somerset, of which only 409 are specialist dementia bed spaces. The report states that 1,027 new bed spaces will be needed by 2017 or approximately 20 new care homes. Within a 5 mile catchment area of Martock, there are currently 529 persons over 65 years with some form of dementia, predicted to rise to 700 persons by 2017. For those aged over 85 years, there are 179 persons with some form of dementia, predicted to rise to 241 persons by 2017.

Importantly, the report states that there are only 94 specialist dementia bed spaces currently available with none of those providing en suite bed spaces. Moreover, 292 new bed spaces will be needed by 2017. The Needs Assessment Report therefore concludes that 'within the district and the catchment area, there is a significant shortage of specialist dementia bed spaces'. Thus, there is a clear need for this type of care home, not only in terms of it meeting local need but also the ability to provide a high quality living environment for residents, especially in terms of en suite facilities and facilities to help those with Alzheimer's or other forms of memory impairment and dementia. In addition to the findings of this report, the case officer also discussed the need with a care manager at the County Council. He confirmed that there was a need for this kind of care home.

Search for other suitable sites/sequential test.

Having established that there is a need for a dementia care home in this locality, the next issue is identifying a suitable and available site. The Design and Access Statement submitted with the application included a sequential test. The statement outlines that due to the tight drawing of the development area, there are no suitable sites within Martock that are of a sufficient size. Thus, 5 sites on the edge of Martock including the current site, were identified. The 4 non application sites were dismissed due to highway issues, non availability of the land and distance from services and facilities. However, it was concluded that this process did not consider all possible sites nor was the assessment of the sites it did consider sufficiently thorough. A second report was submitted that included more sites but still not considered thorough enough in order to justify rejecting those sites for the development.

Following discussion with the agent, the applicant was advised of sites to examine, including the previously allocated Key Site and those previously considered by the Local Plan Inspector. In addition, a full assessment was needed of all those identified sites. A revised sequential test report was submitted. The sites identified and the assessment of each was discussed by the case officer, policy and conservation colleagues. It was concluded that this report had looked at the sites advised by the officer and each one was subject to a thorough assessment. The report concluded that all of those sites identified were not suitable because they are not available, highway and access issues, distance from services and facilities and insufficient size. Those conclusions were largely agreed by the case officer and colleagues.

However, there was disagreement regarding the report's assessment of the landscape impact of the former Martock key Site. The report stated that 'the site certainly appears more prominent in the landscape than the application site'. However, the Council's landscape architect considered that the application site was more prominent than the former key site. As a result of the above issue regarding the former key site, the merits of that site were examined in more detail. Clearly, it was previously considered suitable for development. The Highway Authority were consulted and concluded that access through the residential area to the care home would not be recommended but that Foldhill lane would be acceptable, as with the current application. However, Foldhill lane does not extend all the way to the key site and additional off site works would be required. In addition, it is not in the applicant's ownership and thus would either not be available or too costly to purchase. On those grounds, it was concluded that the former key site could be omitted from the search for alternative sites. Based on the sequential test exercise, it was concluded that there are no suitable and/or available sites within or on the edge of Martock for the proposed development.

It should also be noted that a church was previously given consent on this site in 2007. The proposal was fully justified and the site was accepted as the most suitable. Whilst the overall mass of building is not as great as this current proposal, the church proposal would have resulted in a higher building - the highest point was around 10.5 metres compared with around 8.5 metres for this development. Therefore, the principle of development has previously been accepted on this site.

Highway and parking issues.

Concerns have been raised by local residents about highway related matters including the capacity of Foldhill Lane to accommodate additional traffic, highway safety and insufficient parking provision. The full response and comments from the Highway Authority have been attached earlier in this report. The Highway Authority do not raise an objection to the proposal and are satisfied that the local highway network can satisfactorily accommodate the development. In terms of aiding highway safety, a drop kerb crossing facility has been requested to help pedestrians crossing Bearley Bridge Road. This will then link with the range of footways in the locality.

In terms of parking, the scheme will provide 35 spaces. The parking standard for such a development, as outlined in the County Wide Parking Strategy, is 1 parking space per 4 beds and 1 parking space per 2 staff. This kind of development clearly results in the need for less parking than residential development, but adequate provision still needs to be provided. This development results in a need for 34 spaces and should include disabled bays. The proposed scheme will provide 35 spaces, of which 6 shall be for disabled users. On this basis, the Highway Authority does not raise an objection to the parking provision being provided.

Flooding/Drainage issues.

Concern has been raised that this development would increase the risk of flooding, particularly to homes in East Street. It is acknowledged that the severe rainfall in mid

December 2008 caused many flooding problems in the district. In addition, whilst the application site itself is not officially classified as being in a Flood Zone, localised flooding events need to be taken into account when assessing a development. The key issue is that a development should not make the existing flooding situation worse than at present. A revised Flood Risk Assessment was submitted with the application that includes a detailed surface water drainage strategy and associated plan for a 1 in 100 year + 30% climate change event as requested by the Environment Agency. The Environment Agency response is outlined earlier in the report and no objection is raised subject to conditions.

Design and scale.

The design and particularly the scale of the development is very important, given its location on the edge of Martock, surrounded mainly by fields and open countryside. The agent outlines that the scale of the building has been carefully minimised to ensure that it does not become unduly prominent in the landscape and dominate the town. Whilst the scale, particularly the height, has been kept to a minimum, it is accepted that, as per the Council Landscape officer's comments, it will become a 'skyline feature'. A landscaping scheme will help mitigate against the visual impact of the development but this would not fully screen the development. It is considered that the design and use of a mix of different materials will create a modern, high quality living environment for residents. However, this is the kind of application where the impact of the development on the locality and in the wider landscape and townscape has to be weighed up against the benefits of the scheme.

Other issues

It is considered that the site is reasonably well related to the services and facilities in the town centre, being approximately 450 metres from the main shopping area and public transport services. There are a range of connecting footpaths and public rights of way leading to the site enabling pedestrians to access the town centre, residential areas and the countryside. A new path on the edge of the development along with the drop kerb crossing will help with pedestrian links.

CONCLUSION

It is accepted that the proposed development will provide a much needed specialist dementia and EMI care home, serving Martock, Bower Hinton and the surrounding communities. It is also accepted that this is the most suitable site available for the development. There is no doubt that that this is a significant development on the edge of Martock and will have a visual impact on the local and wider setting. This is a case where the merits of the scheme need to be weighed against the concerns that have been raised. Due to the proven need for the development, it is concluded that on balance the proposed development is acceptable.

SECTION 106 PLANNING OBLIGATION / UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant consent.

01. The proposed development will provide a specialist dementia and Elderly Mentally Infirm (EMI) care home serving Martock and the surrounding communities. It has adequately been demonstrated that the scheme is needed and that the application site is the

most suitable site for the development. Its design, scale and materials will not adversely affect its setting and will not harm any residential amenity. It is in accord with policy STR1, STR6 and Policy 19 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy ST5, ST6, TP1 and TP6 of the South Somerset Local Plan and goal 1, 8 and 9 of the South Somerset Sustainable Community Strategy.

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 not be commenced until particulars of the materials, to include provision of samples to be used for external walls, roofs and glazing have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policy ST5 and ST6 of the South Somerset Local Plan 2006.

03. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No. A049688[D]03 Rev c and shall be available for use before the commencement of the development hereby permitted.

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

04. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

05. The gradient of the proposed access shall not be steeper than 1 in 10.

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

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

07. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

08. Before the development hereby approved is occupied, a fully sheltered lockable cycle parking facility suitable for eight bicycles shall be provided within the site in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

09. At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No A049688[D]03 Rev c) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

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

10. Before the development is first occupied a footway and drop kerb crossing shall be provided along Bearley Bridge Road and carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with those details that have been approved.

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

11. No means of external lighting shall be installed on any of the buildings hereby approved or within the application site unless details have been submitted to and approved in writing by the Local Planning Authority. No alterations shall be made to the approved lighting unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

Limiting the surface water run-off generated by the 1 in 100 year plus climate change (30%) critical storm.

Limiting the surface water runoff to greenfield run off rate.

Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

13. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

14. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources.

15. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

16. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turving or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development 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 protect the character and appearance of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

17. No construction work shall be undertaken on the application site or any construction deliveries made outside the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 14.00 on Saturdays with no construction work on Sundays or Bank/Public Holidays.

Reason: To protect the amenity of local residents during construction.

18. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan 2006

Informatives:

01. In line with Planning Policy Statement 25 (PPS25) the developer must investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

02. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Water Efficiency

We strongly recommend water efficiency measures be incorporated into this scheme. It would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by the Planning Inspectorate.

03. The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit <http://www.environment-agency.gov.uk/> > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful - <http://www.savewatersavemoney.co.uk/>.

04. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.