

Area North Committee – 25 July 2012

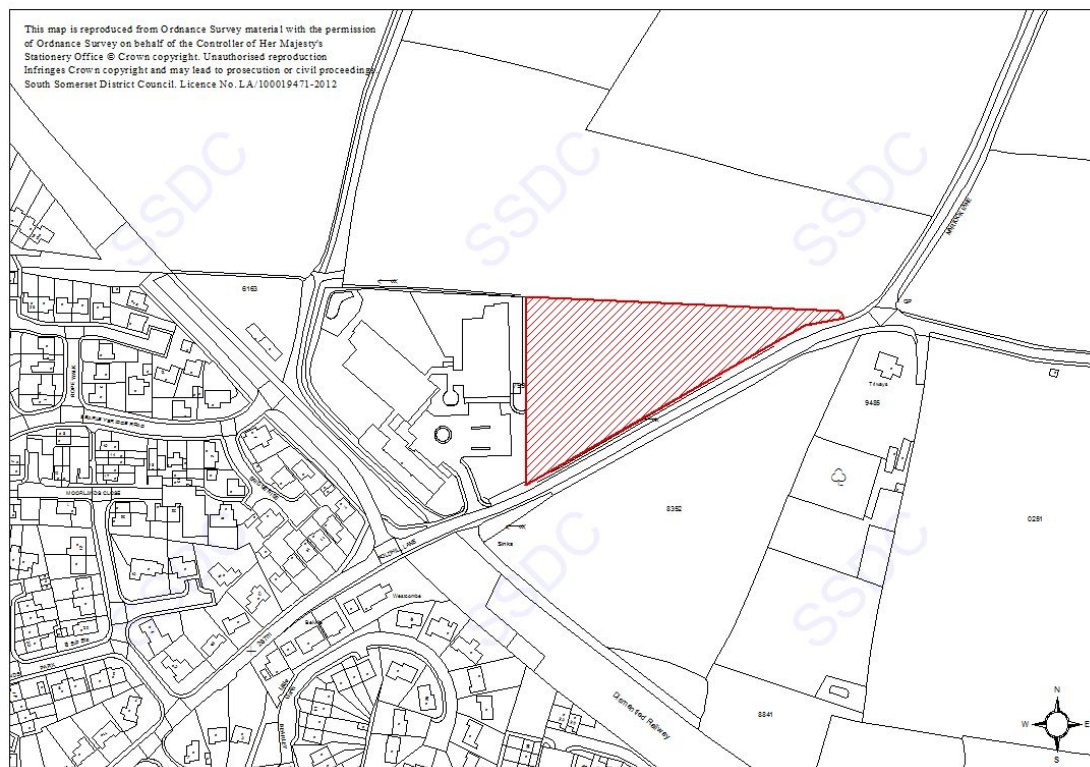
## Officer Report On Planning Application: 12/01415/FUL

<b>Proposal :</b>	Erection of a 'specialist dementia care' extension to La Fontana Care Home and repositioning of existing timber barn and paddocks (GR: 346746/119597)
<b>Site Address:</b>	La Fontana Care Home, Foldhill Lane, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr G H Middleton and Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	13th July 2012
<b>Applicant :</b>	Mr N Notaro
<b>Agent: (no agent if blank)</b>	Mr Mike Payne, Boon Brown Architects Motivo, Yeovil BA20 2FG
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO AREA COMMITTEE

This application is referred to Committee at the request of the Ward Member(s), with the agreement of the Vice Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



La Fontana is a specialist dementia care home (Use Class C2) providing 52 bedrooms located on the northern side of Foldhill Lane, to the east side of Martock, adjacent to development limits. The site is bound to the north by agricultural fields and a public footpath, with residential to the southwest.

The proposal seeks an extension to provide an additional 24 bedrooms and includes the repositioning of the existing timber barn and paddocks.

The extension provides a fourth block to the existing development and is shown with its principle elevation facing onto the central car park at the front of the site as accessed off Foldhill Lane. The extension provides part of a symmetrical set of facades as viewed from Foldhill Lane. The topography of the site rises in level from west to east, with the site of the extension located above the highest plateau of the earlier development and to address this a reduced pitch is proposed compared to the existing resulting in a proposed ridge height that is no higher than the existing ridge heights.

A contemporary design approach is used to reflect the design of the existing care home. The palette of proposed external materials include buff brick, timber cladding, aluminium windows and doors, aluminium roofs and a living sedum roof. The footprint measures 24m wide by 59m with eaves at 2.6m and ridge at 5.4m.

The barn measures 2.2m to eaves and 3.4m to ridge, constructed using shiplap boarding, and is set back north east of the proposed extension.

## **HISTORY**

- 11/04330/FUL. The Erection of a fountain (retrospective). Approved.
- 10/04663/FUL. The erection of brick walls and piers to entrance of care home. Approved.
- 10/04664/ADV. The display of two top illuminated wall mounted signs. Approved.
- 10/03440/FUL. Change of use of land for the keeping of animals ancillary to adjacent care home and erection of associated barn and landscaping. Approved.
- 10/02960/FUL. The erection of a timber barn and paddocks together with associated landscaping works. Withdrawn.
- 09/00128/FUL. The erection of a specialist dementia care home, together with associated vehicular and pedestrian access and landscaping. Approved.
- 07/01176/FUL. Erection of a church building. Approved.

## **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.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Save policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 Sustainable Development

Policy STR6 Development Outside Towns, Villages and Rural Centres.  
 Policy 19 Employment and Community Provision in Rural Areas  
 Policy 49 Transport requirements of new development.

Save policies of the South Somerset Local Plan:

Policy ST5 General Principles of Development  
 Policy ST6 The Quality of Development  
 Policy ST3 Development Area  
 Policy EC3 Landscape Character  
 Policy TP6 Non-residential parking provision.  
 Policy EP3 Light pollution  
 Policy EP6 Construction management

Regard shall also be had to:

National Planning Policy Framework (March 2012):  
 Chapter 1 Building a strong competitive economy  
 Chapter 3 Supporting a prosperous rural economy  
 Chapter 4 Promoting sustainable transport  
 Chapter 7 Requiring Good Design  
 Chapter 8 Promoting healthy communities

South Somerset Sustainable Community Strategy  
 Goals 1, 3, 5, 7, 8, 9

## CONSULTATIONS

**Martock Parish Council.** Members were unable to agree a recommendation within planning criteria. However, very serious concern was expressed about:

- The impact of construction traffic on local residents and road safety in Foldhill Lane. In particular, members considered that any proposal to use the unapproved entrance to the site adjacent to the junction of Foldhill Road and Ash Lane, on what is already a dangerous bend, should be strictly prohibited.  
*OFFICER Response:* This appears to have been an existing field access at the time of the original development following which it was blocked with fencing and behind this further paddock fencing. Foldhill Lane is a classified road with planning permission required for the formation, laying out and construction of a means of access to the highway.
- The applicant should be required to provide a risk management plan for the safe control of construction traffic as a supporting document to the planning application.  
*OFFICER Response:* A construction management condition is proposed controlling hours of work, contractors parking and site access.
- Members also noted concerns expressed by local residents about the polluting effects of interior lighting through the skylights on the existing buildings and considered that this should be taken into account by the planning authority when considering this application.  
*OFFICER Response:* The proposal enjoys a light airy internal aspect. Conditions seek to control external illumination, and dark glass to the roof glazing and an internal lighting strategy.

**County Highway Authority.** No objection. The Highway Authority accepts the applicant's view that the existing parking facilities are under-used and that the proposal is unlikely to lead to parking demand, exceeding supply. This means that there are no proposed alterations to the access and parking area on which to comment.

**Adult Social Care Somerset County Council.** We currently commission care from Notaro who own the existing site at La Fontana. We are satisfied with the quality of care provided there and we also commission similar services from this company at other sites in Somerset. Good quality dementia care for both private and local authority funded service users is not always easy to source in Somerset in terms of vacancy capacity, nor necessarily near to families. The geographical position of La Fontana at Martock means that it is accessible to quite a wide catchment area in the east of Somerset.

An extension of specialist dementia provision by Notaro at this site therefore meets an identified gap in such services by a company who we would identify as having a demonstrable effective track record in delivering this area of specialist care provision.

**Area Engineer.** No comment

**Archaeology.** No objection.

**Environment Agency.** General comments made with regard to sustainable drainage systems, sustainable construction, water efficiency, prevention of pollution during construction, and historic landfill.

**Environmental Protection Officer.** Condition any external lighting scheme.

**Planning Policy.** No objection. The National Planning Policy Framework (NPPF) (March 2012) seeks to encourage sustainable growth and expansion of all types of business in rural areas (para 28). In terms of design it expects policies to concentrate on guiding overall scale, density, massing, height, landscape, layout, material and access.

With regards to the saved policies of the adopted local plan, to which due weight should be given according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight they may be given), the proposal is located in the countryside, outside any development area where saved Policy ST3 restricts development to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The addition of 24 full time and 8 part time staff as a result of the proposal would suggest that economic activity is benefited. I do not consider that the addition of a relatively large extension, resulting in a 44% increase in floor space, in this rural location would maintain or enhance the environment. The proposal would foster growth in the need to travel through additional staff travelling to the site, and greater visitor numbers associated with a higher number of residents.

Saved Policy EC3 seeks to ensure that proposals outside development areas do not cause unacceptable harm to the distinctive character and quality of the local landscape. The opinion of the landscape architect should be considered in ascertaining whether the proposal would result in unacceptable harm to landscape character, but the floor space increase in a rural location will no doubt be an important factor.

Supporting evidence as to the significant need for this type of accommodation within a 5 mile radius of Martock, together with a sequential test was provided as part of the previously approved planning application (09/00128/FUL), whilst this need has in some way been met by the implementation of that proposal there is still an outstanding requirement for specialist dementia care accommodation within the area.

In conclusion, I am aware that nationally there is a growing need for specialist accommodation for older people as well as a local need. This proposal appears to be in

general conformity with the NPPF in terms of being an expansion of an existing business in a rural location, therefore as long as the Council's Landscape architect has no concerns regarding the impact of the proposal on the local landscape then no planning policy objection is raised.

**Landscape Officer.** The site lies against Martock's residential edge, and is contained within a single field, which is defined on all sides by established hedgerows. The existing care home, constructed within the past 3 years, is now the prime element upon the site, and the proposal before us intends an eastward extension of the building group, adding a built footprint circa 40% to the current Home arrangement.

With the care home now established on site, an additional element of built form is not considered to create an adverse landscape impact, providing the scale of the building, and its relationship to its surrounds, is appropriately detailed. In this instance, I am satisfied that the scale is not incompatible with the adjacent buildings, and the proposed height differential (because of the rising ground on which it is sited) is satisfactorily accommodated in the design of the new building. The building materials are also satisfactory; hence in summary, I envisage no landscape issues.

**Building Control.** No comment.

## REPRESENTATIONS

10 objection letters, included a number of pro-forma objections, have been received. Their concerns include:

- A blot on the landscape
- Visual amenity
- Inappropriate design
- A similar design to the existing site
- Greenfield site
- Need?
- Why expand so soon
- Additional burden on local doctors
- Conflict with additional levels of traffic
- Light pollution from the development
- Large un-curtained windows shining light into the sky
- Disturbance during the development phase
- Loss of petting area

## CONSIDERATIONS

### The Principle of Development:

The National Planning Policy Framework (NPPF) (March 2012) seeks to encourage sustainable growth and expansion of all types of business in rural areas (para 28). As an extension to an existing care home in close proximity to development limits the economic benefits (ST3) with the additional employment created attracts support 'in principle'. Supporting evidence as to the significant need for this type of accommodation within a 5 mile radius of Martock, together with a sequential test was provided as part of the previously approved planning application (09/00128/FUL), whilst this need has in some way been met by the implementation of that proposal there is still an outstanding requirement for specialist dementia care accommodation within the area. Accordingly the main considerations include: Character and appearance, highway safety and neighbour amenity.

**Character and Appearance:**

The Landscape Officer considers the extension does not create an adverse landscape impact (EC3) given that the care home use is established on site and the site's use is contained to its east by the Ash to Martock road, with agricultural land to the north and residential abutting to the west and south sides.

The location of the extension is currently used as paddock and the area of open ground is most readily appreciated when travelling out from Martock. However when viewed in context as part of the wider site as defined by the existing boundaries and adjacent buildings the resulting development respects the form, character and setting of the local environment (ST6), centred on the parking area. With attention given to avoiding any increase in overall ridge height above the existing buildings by providing a lower pitched roof with a sedum covering the development is considered acceptable.

**Highway Safety:**

The Highway Authority accepts the level of parking on site is also appropriate to the extended use of the site. No other concerns are raised.

**Neighbour Comments:**

Neighbours have raised various matters that are dealt with below:

Matters of design are often considered to be subjective, although the proposal, which acts as an extension, should be seen as part of the wider layout of the site. It cannot be said when seen in this context that the design is inappropriate, with location and relationship to the other buildings centred on the car park considered acceptable. Comments are made to its location as a green-field site although the land is part of the curtilage to the existing use of the site.

Whether to expand must be a matter for the site's management responding to a need for such purpose built accommodation, a need that is supported by the response from Adult Social Care. More localised provision has the advantage of reducing travel times and promotes sustainable development. If there was an additional burden on local doctors then this become an operational issue for the respective service provider.

There has been no objection from County Highways with regard to the alleged conflict with additional levels of traffic so that it is difficult to sustain an objection on these grounds.

External light pollution can be controlled by condition. The potential for light pollution from internal lighting could be mitigated by a condition to require the agreement of dark glass to the roof glazing and an internal lighting strategy.

As part of any development an element of disturbance may be expected nevertheless a construction management condition is proposed controlling the hours of work, contractors parking and site access.

The petting area: this appears not to have been a matter considered or formally conditioned as part of the earlier permission. As such should there be a loss as there is no planning justification to insist on its retention its loss could not justify withholding permission.

Seen in context with the existing development the extension would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties (ST6).

**Conclusion:**

The design is in keeping with the wider site whose grounds are clearly contained by the surrounding hedgerows and adjoining highway. The additional accommodation addresses an acknowledged need for modern purpose built accommodation.

**EIA SCREENING OPINION: ALL MAJOR APPLICATIONS.**

Not required.

**RECOMMENDATION**

APPROVE

01. The proposal, by reason of its size, scale, materials and location, respects the character of the area and causes no demonstrable harm to residential amenity and landscape character in accordance with the aims and objectives of policies ST5, ST6 and EC3 of the South Somerset Local Plan

**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: 3154/104, 100, 101, 102, 103, 105, 106, 8159-100A received 10 April 2012, the Design and Access Statement and application forms.  
Reason: For the avoidance of doubt and in the interests of proper planning.
03. 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 safeguard the locality from unnecessary light pollution in accordance with policies EP3, ST5 and ST6 of the South Somerset Local Plan.
04. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, point of works access, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, specific anti-pollution measures to be adopted to mitigate construction impacts and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.  
Reason: In the interest of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.
05. The development hereby approved shall only be used as a specialist dementia and elderly mentally infirmed (EMI) care home and for no other purpose (including any other purpose in 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), unless an express grant of planning permission is first obtained.

Reason: The Local Planning Authority wish to ensure that the use of this land and buildings, located outside of development limits, is restricted only to the approved details as outlined in the submitted plans and Design and Access Statement, to accord with policy ST3 of the South Somerset Local Plan.

06. 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 based on the external works layout, plan no; 3154/100 received 10 April 2012. This should detail the prime planting elements of the scheme; retention of the existing hedgerows; and a protective fencing proposal of the hedgerows/hedgerow trees during construction, to ensure no impact upon their integrity and root zones. The approved details of landscape planting 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.

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

07. No development hereby approved shall be commenced until such time as details of the glazing to the roof and internal lighting strategy to the resident's living space have been submitted to and agreed in writing by the local planning authority. Such details shall minimise potential light spillages and once approved shall be fully implemented prior to the first occupation of the extension and shall be maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard the locality from unnecessary light pollution in accordance with policies EP3, ST5 and ST6 of the South Somerset Local Plan