

Officer Report on Planning Application: 13/03758/FUL

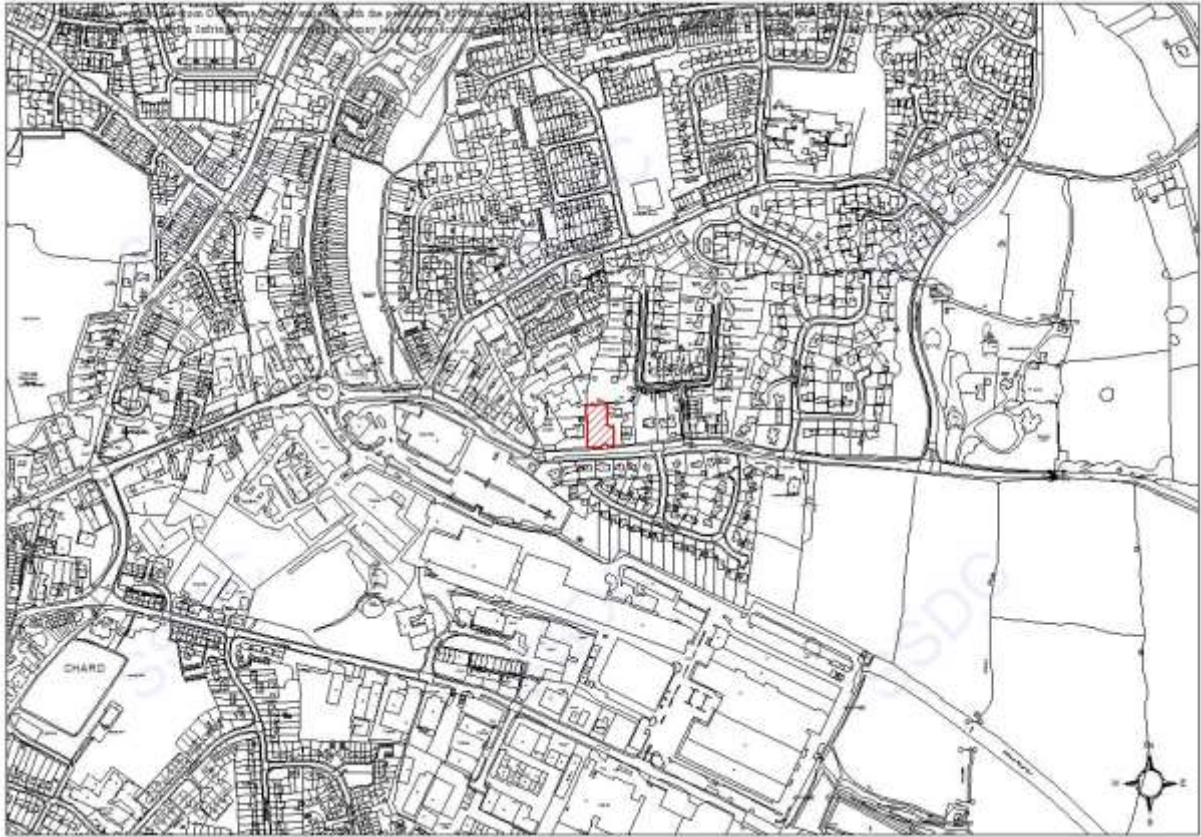
Proposal :	Formation of self-contained 2 bedroom unit of accommodation and a 1 bedroom annexe (retrospective). Part change of use of dwelling to care home (Use Class C2). (GR 333154/108747)
Site Address:	Kenwyn House Crewkerne Road Chard
Parish:	Chard
AVISHAYES (CHARD) Ward (SSDC Member)	Cllr N J P Mermagen
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	18th November 2013
Applicant :	Mrs A Pontefract
Agent: (no agent if blank)	Mr J Venton Tamlvyns 56 High Street Bridgwater TA6 3BN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Area West Committee because the Officer's recommendation is contrary to the County Highway Authority's advice and concerns a safety issue relating to an A classified road.

SITE DESCRIPTION AND PROPOSAL





The site is within the Development Area, on the eastern edge of Chard fronting Crewkerne Road (A30). Kenwyn House is a large 7 bedroom house which was used as a nursing home in the 1980s and 90s. In 2000/2001 planning permission was granted to convert the nursing home to a dwelling and to erect two houses in the grounds (Longlast and Stanfield House), and the access was widened and the visibility improved.

This is a full application seeking planning permission to change part of the house to a care home and to retain a self-contained 2 bed unit of accommodation and 1 bed annex. There would be three parking spaces in the existing carport in the garden to the rear, three further overflow spaces would be provided in the garden beside the carport and there would be two spaces for the owners at the back of the house on the edge of the shared driveway. It is a resubmission of application 13/01291/COU and now includes highway safety improvements and seeks to rectify the creation of the separate unit of accommodation.

A Design and Access Statement has been submitted to explain and support the application:

- The proposal would provide 4 care rooms, designed for elderly people 65 and above, including physically disabled
- Care would be provided by the applicants Mr and Mrs Pontefract, who have a history in residential care
- Very little change would be involved to the layout, with the main alteration being the addition of en-suite facilities to the bedrooms
- Overriding need both locally and nationally for such care facilities for the elderly.
- In 2008 - proportion of 65+ people in South Somerset 20.9%, in 2010 estimated to be 21.9% and in 2030 likely to rise to 31.3%
- Applicant was recently approached by local GP expressing a need for applicant's

- personal approach and care to be re-instated in the local area
- The applicant would be willing to be on call at all times as she will be living on site
 - The business would be a small friendly family home with a large outdoor garden.
 - Access would be via the existing shared access with improvements made to the visibility looking west when exiting the site. This would involve minor height reduction works to the walling across the front of Kenwyn House. 81m of visibility can be achieved, far exceeding the 43m required.
 - To the east, the land immediately adjoining the site does not fall within the applicants' ownership. As it currently stands, 26m of visibility can be achieved to the nearside carriageway edge.
 - The critical direction when exiting the site is looking west as this is the direction where immediate oncoming traffic would be closest to the site exit point. If the existing eastern visibility line were to be taken to the centre of the carriageway, the required 43m visibility is achievable. Although the Highway Authority stipulates 43m to the nearside carriageway edge, it is felt that some degree of negotiation should be considered especially when the distances required for the critical direction (west) will far exceed the 43m.
 - In addition, the required 43m visibility splay looking east can be achieved by taking a point 2.1m back from the carriageway edge instead of the 2.4m stipulated by Highways. We really are talking about small margins between compliance and non-compliance.
 - Traffic movements would be extremely minimal as unfortunately elderly residents rarely have visitors.

The applicant has also provided further comments:

a) Parking

The two parking spaces to the rear of Kenwyn House have always been allocated to Kenwyn House, as this part of the shared driveway is owned by Kenwyn House. It does not affect and has never affected the turning area or access of the other users of the driveway.

There will be no parking on the driveway to the side of Kenwyn House or the turning area. I have no objection to using part of the garden area at the rear of the house for further parking should this be required. However in my previous experience there will be very little or no further traffic movement to the house. I feel that the existing car park to the rear of the main house will be sufficient, as in the past this area alone has accommodated five vehicles.

b) Potential increase in traffic to Kenwyn House

Kenwyn House is a seven bedroom home, and on numerous occasions all of these bedrooms have been used when friends/family have visited. This has generated an increase of several more vehicles using the access from and onto the highway, and has never been a cause for concern. At no time has a vehicle had cause to reverse onto the highway.

I feel that as a four bed care home, the traffic movements will be far less than has been experienced in the past, and as the house could potentially be sold to a large family with multiple vehicles, then traffic generated would be increased.

c) Crewkerne Road (A30)

The speed limit for this relevant part of the road is 30 mph. I note that the highways authority are concerned about vehicles stopping on the opposite side of the road (south side). There is no need for vehicles to stop as the houses opposite are accessed via Nursery Gardens and not from Crewkerne Road. However, should any vehicle need to pull in to the side of the road, there is a purpose built lay-by approximately 100 yards further down from Kenwyn.

d) Previous experience of running a Care Home

In previous experience regarding visitors to the home, please note:

- Hairdresser - once every two weeks
- Chiropodist, once every six weeks
- Sunday morning Church Service monthly
- Medical services - annual checks unless acute health dictates otherwise

This age group often do not have family, or they are located around the country and are only able to visit once or twice a year. If family live locally then visits may be increased, although not always so.

I propose to live in the house and be the main employee with spouse as maintenance support. However for annual holidays it has been provisionally agreed that two previously employed staff members will reside within the home. As these two people live within walking distance of Kenwyn, they will not generate any additional traffic.

In conclusion, throughout the planning process I have been in continuous discussion with our friends/ neighbours who own the shared driveway. They have indicated they fully support the proposed elderly care home. However their main concern is vehicles parked to the side of Kenwyn House on the shared driveway. I have assured them this will not be a problem as signage will indicate the rear parking area for any visitors, and repeat visitors will be personally instructed. They also mentioned that they already have a splay on their side of the driveway that was part of the original plans for the building of their house, and which was passed by highways at that time.

HISTORY

Most recent history includes:

13/01291/COU Part change of use of dwelling to car home withdrawn (highway issue to be addressed)

01/01926/FUL Alterations and conversion of part of former day centre into a carport - approved

01/01064/REM Erection of dwelling with detached garage block

01/01065/REM Erection of dwelling with attached garage

00/00409/FUL Alterations and extensions to nursing home (renewal) - approved

99/02229/OUT Conversion of nursing home into one dwelling and erection of two additional dwellings - 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.

The policies of most relevance to the proposal are:

South Somerset Local Plan (Adopted April 2006)
ST6 - Quality of Development
ST5 - General Principles for Development

Policy related material considerations

National Planning Policy Framework - March 2012
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

CONSULTATIONS

Chard Town Council - Recommend approval

County Highway Authority - It is noted that this is a resubmission following the previous application, 13/01291/COU which was withdrawn.

Whilst the description of this latest application has been slightly re-worded the proposal remains the same with regard to what is being applied for, although the flat/annexe element is retrospective.

For the purpose of this latest application I will reiterate the highway comments that are applicable. The proposal is seeking a part change of use of an existing single residential dwelling, to a self-contained flat with annexe and the conversion of the remainder of the dwelling to a 4-bedroom care home, which will result in an increase in traffic and intensification of use of this site and effectively the access onto/from the public highway.

With regard to the annexe, the Highway Authority takes the view insofar that annexes are used ancillary to an existing dwelling occupied only by members of the same household/family (like an extension) and it is considered there will be no increase in traffic over and above that of the existing residential use of the dwelling/flat. Therefore, on the basis that the annexe is used ancillary to the main dwelling/flat a highway objection may be considered unreasonable to this element of the proposal.

The proposal derives access from/onto the A30 which was previously defined as a County Route in the Somerset and Exmoor National Park Joint Structure Plan Review (SENPJSPR), and has now been extinguished. However, the Highway Authority still has a duty to protect the route hierarchy and those using it and ensure that development proposals meet the required criteria in terms of highway safety.

The access should incorporate visibility splays based on co-ordinates of 2.4m x 43m to the nearside carriageway in both directions to the nearside carriageway edge in each direction (taken from the centreline of the access), with no obstruction greater than 900mm above adjoining road level.

Visibility to the nearside carriageway edge is considered essential in both directions therefore I do not concur with the Agent's view that that fact they have it in what they consider to be the critical direction should be sufficient. For example there is nothing to prevent a vehicle from parking/stopping on the southern side of the highway, which would force a vehicle to overtake on the northern side of the road, hence why visibility needs to be taken to the nearside carriageway edge.

Furthermore, a lesser x distance can be applied on, but on very lightly trafficked and slow speed roads, and this is not considered appropriate on a road of this nature, therefore 2.4m should be applied.

The Somerset Parking Strategy sets out the following provision in Zone B which is applicable to Chard:

C3 Flats and Homes

3 bedroom units	2.5 car spaces per dwelling
4 bedroom units	3 car spaces per dwelling

C2 Residential Institutions

C2b Nursing homes, hostels
Retirement homes, and Respite

Care Homes	1/6 bedrooms
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Cycle Parking	1/13 bedrooms
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It should be ensure that sufficient turning is provided within the site to ensure all vehicles can park and turn when all of the parking spaces are occupied, so that no reversing occurs from/onto the adjoining highway. The aisle width for the overflow parking should be 6m to allow ease of manoeuvring. With regard to the owners parking (as shown on drawing no. 010213-05A), this has been located on the shared driveway which could also cause issues for manoeuvring for the other users of this shared driveway, particularly if it is jointly owned. Furthermore there could be a condition from a previous application that sought to keep this area clear of obstruction and the Planning Officer may wish to investigate this further.

There is a large garden to the rear of Kenwyn House, so accommodating an improved parking/turning arrangement for all vehicles should not be an issue and I would seek that this is amended.

Taking the above points into consideration I would recommend refusal of the application for the following reason:

The proposal is contrary to Policy ST5 of the South Somerset Local Plan, since the proposed access to the site does not incorporate the necessary visibility splays which are essential in the interests of highway safety for all road users.

Technical - no comment

REPRESENTATIONS

Neighbouring properties have been notified. Two letters of objection have been received

from the owner of Stanfield House, making the following points:

- No objections to proposed part alteration of use but as owners of the access drive, the present conditions with regard to usage and parking on the drive must remain the same as the previous planning consent i.e. two allocated spaces on the drive to the rear of the property with no further parking on the drive except for emergency use or previously agreed works
- With reference to the annex and self-contained flat, we wish to point out that the original consent was for Kenwyn to be a single dwelling and as far as we are aware it has been used as such so we do not how a retrospective application can be made for this
- Changing a single dwelling and potentially creating 3 dwellings would increase use of access and create need for additional parking, which should be rejected.
- (Plan shows owners parking space at side of Kenwyn which would be contrary to Land registry document - The plans have now been amended to show parking to rear)

CONSIDERATIONS

The main issues are:

Principle

The site is located within the defined development area where development is acceptable in principle. The proposal would bring an underused 7 bedroom house back into use, in a sustainable location and help to deliver a wide choice of homes, in accordance with the NPPF, paragraph 50 - 'local planning authorities should plan for a mix of housing based on current and future demographic trends 'and the needs of different groups in the community, such as older people, people with disabilities'.

Although of limited weight, the emerging Local Plan refers to evidence showing that the age of the population in the south-west is going to increase significantly and that preparing the District to cope with this change will be challenging. In order to help address this need, specialist housing options will be required, including care homes and opportunities to adapt existing housing stock should be maximised. Policy HG6 aims to support proposals for care homes that meet a local need.

Residential amenity

It is considered that the provision of four en-suite bedrooms for caring for the elderly together communal reception rooms in this large house would not adversely affect the amenities of the neighbouring properties. In addition, the 2 bedroom unit of accommodation would be occupied by the applicant and her husband who would run the care home and the 1 bedroom annex would provide ancillary accommodation. Bearing in mind the size of the house and its large grounds, it is felt that that this level of use, including visitors, would not adversely affect amenities. The neighbour's concern regarding the allocated parking spaces has been addressed.

Highway safety

Following the objections raised by the Highway Authority in respect of the previous

application, the agent has now looked at visibility at the access onto Crewkerne Road. Alterations are proposed to the wall in front of Kenwyn House, to lower it in height to no higher than 900mm providing a significant improvement on the existing visibility to the west and extending the splay to 81m, exceeding the highway requirement of 43m.

To the east however, the splay extends 26m only. This is in accordance with the splays required by the 1999 planning permission 99/02229/OUT for the conversion of the nursing home into one dwelling and the erection of two additional dwellings but it is significantly below the 43m now required by the Highway Authority. The applicant has no control over this adjoining land and so cannot improve visibility in this direction. The agent highlights that the critical direction when exiting the site is to the west, as this is the direction where immediate oncoming traffic would be closest to the site exit point and in addition, if the existing eastern visibility line were to be taken to the centre of the carriageway, the required 43m visibility is achievable. The Highway Authority does not consider this to be satisfactory bearing in mind the proposed increased use of the access but it should be remembered that a house of this size with 7 bedrooms could generate much more traffic. In addition, the applicant has provided information regarding the predicted traffic movements (see above) which indicates limited additional traffic generated by the care home. Furthermore, she points out that the speed limit for this part of the road is 30 mph and that whilst the Highway Authority is concerned about vehicles stopping on the opposite side of the road (south side), there is no need for vehicles to stop as the houses opposite are accessed via Nursery Gardens and not from Crewkerne Road. However, should any vehicle need to pull in to the side of the road, there is a purpose built lay-by approximately 100 yards further down from Kenwyn.

This is a sensitive and important issue and it is unfortunate that the visibility to the east cannot be improved by the applicant. However, on balance, it is considered that bearing in mind the above points; it would be extremely difficult for the Planning Authority to demonstrate that the proposal would have a 'severe' impact on highway safety, as referred to in the NPPF, to justify refusing the scheme on these grounds.

The parking and turning provision is considered satisfactory and would meet the Parking Strategy.

Visual impact

The alterations to the front wall are considered to be sympathetic and the provision of further parking space in the rear garden would not detract from the appearance of the area.

RECOMMENDATION

Grant Permission

01. It is considered that the proposal represents an efficient use of land within the Development Area, which would help to provide a wide choice of homes by providing accommodation for the elderly, and that it would be in keeping with the character and appearance of the area, cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies ST5 (General Principles for Development) and ST6 (Quality of Development) of the South Somerset Local Plan (Adopted April 2006) and the National Planning Policy Framework 2012.

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: drawing nos. 010213-01A Site Location, 010213-05A Parking and turning arrangements, 010213-04A Forward Visibility Details, 010213-02 Existing Floor Plans and 010213-03 Proposed Floor Plans received 22 November 2013, 12 September 2013 and 22 October 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy ST5 of the South Somerset Local Plan 2006.

04. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and extending to a point on the nearside carriageway edge 81m to the west of the access, and there shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and extending to a point on the nearside carriageway edge 26m to the east of the access, as outlined in red on the approved plan. Such visibility shall be fully provided before the care home use hereby approved is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy ST5 of the South Somerset Local Plan (adopted 2006).

05. The annex accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the two bedroom unit of accommodation within Kenwyn House.

Reason: In the interests of residential amenity, highway safety and as the application has been assessed on this basis only, in accordance with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

06. The care home hereby approved shall be used to care for elderly people aged 65 and over, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on this basis and as providing accommodation to meet this particular need, in accordance with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006) and the National Planning Policy Framework 2012.
